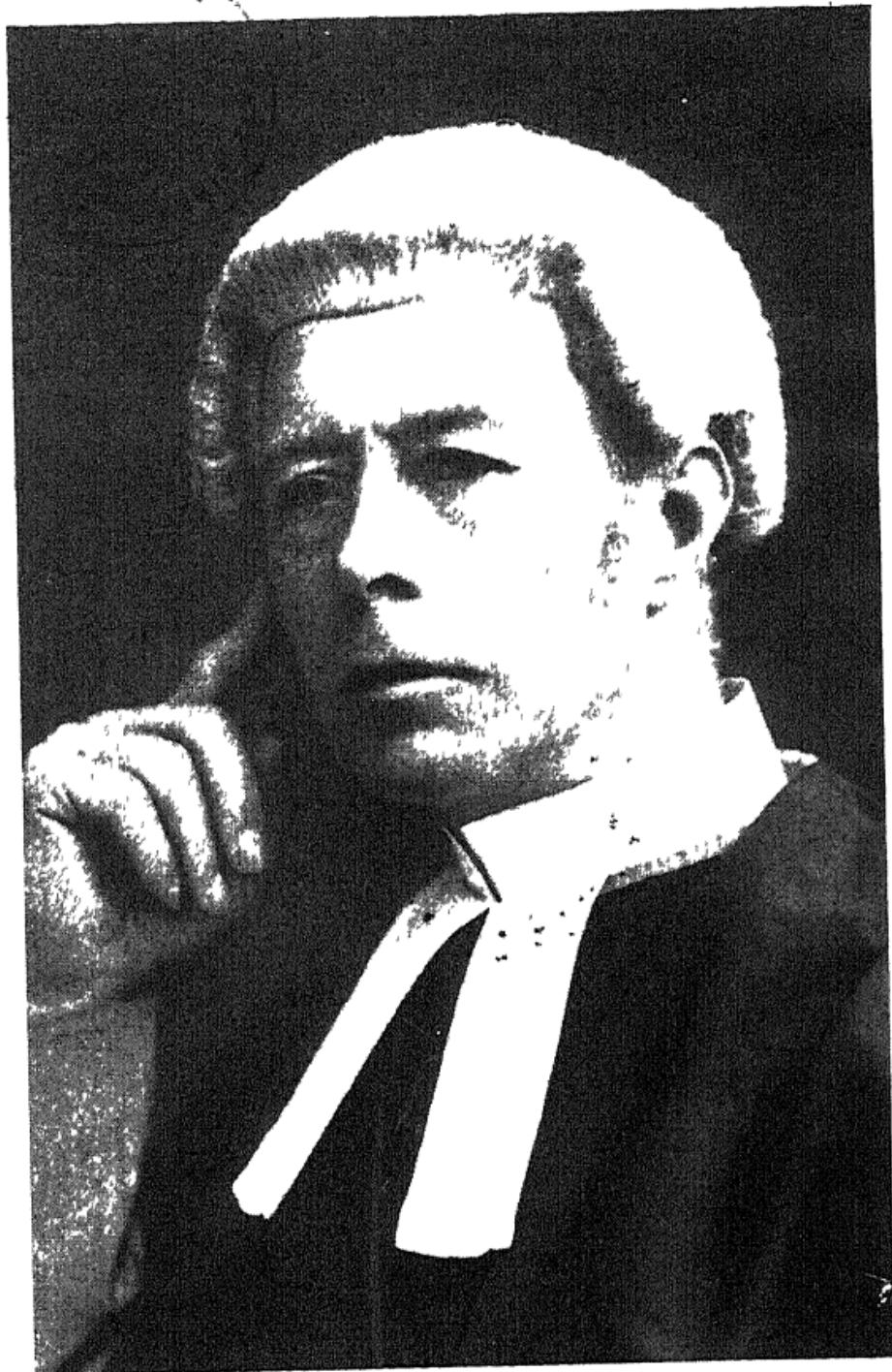


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Field and Gray

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Mr. Justice Avory



Irene Munro

TRIAL OF

FIELD AND GRAY

EDITED BY

Winifred Duke

~~ILLUSTRATED~~

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INTRODUCTION.

I.

ON Saturday, 14th August, 1920, a middle-aged Scotswoman named Flora Munro, the widow of a Brighton coal merchant, left London for a holiday in her native country. She acted as housekeeper to a family called Sinclair, living at 3 Manson Place, Queen's Gate, South Kensington, and had been several years in their employment. Her only child, a daughter of seventeen, Irene Violet, made her home with her mother, and went daily to her work as a shorthand-typist.

Mrs. Munro travelled by sea, being seen off at Wapping Pier by her sister, Mrs. Winter, and Irene. Aunt and niece parted company after the boat had sailed about mid-day. Irene returned to 3 Manson Place, where she spent the weekend in completing preparations for her own holiday which was due to commence on Monday, 16th August. There had been some discussion concerning the desirability of the girl accompanying her mother, but Irene preferred to go by herself to the seaside. The previous summer she had stayed at Brighton alone, and this year she decided on Eastbourne for her fortnight's liberty. She knew nobody there, and, so far as was known, had no motive in selecting it above any other holiday resort. She did not make any inquiries or arrangements beforehand about accommodation, though Mrs. Sinclair, her mother's employer, gave her the address of rooms, telling her that if the landlady could not take her in she would recommend her somewhere else.

Irene Munro rose at 5-30 a.m. on Monday, went to Victoria Station, and there caught the 7-20 train, reaching Eastbourne about ten o'clock. From a letter* written by her to her mother three days later, it appeared that on her arrival she found

* See Appendix.

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holiday accommodation at a premium, and spent the greater part of the Monday in a vain quest for lodgings. About 4-30 in the afternoon she was walking along Seaside, a road in a working-class district, when a card advertising a bed-sitting-room, displayed in the window of a small end house, attracted her attention. She rang the bell at 393 Seaside, and inquired of the landlady, Mrs. Wynniatt, whether she could put her up. Irene Munro explained that she was a typist on holiday and not in a position to pay a great deal. Mrs. Wynniatt showed her the room, a single-bedded one on the ground floor, and agreed to let it to her for a week from the following day (Tuesday, 17th August). The charge for the room, bed, and breakfast, was 30s. When paying Mrs. Wynniatt a pound as deposit, Irene Munro took the money out of a brown leather purse which she kept in a handbag. The landlady did not bestow any particular attention on this bag, nor was she able to describe it afterwards, but she received the impression, subsequently found to be erroneous, that the purse contained a number of Treasury notes, at least seven or eight. The room was occupied for the Monday night, so Mrs. Wynniatt escorted Irene Munro to a neighbour's house a few doors away, and Mrs. Baulcomb promised to take her in until next morning. After these arrangements were concluded, Irene went back to Eastbourne, and did not reappear at 1 Norman Cottages, Wartling Road, until between 9-30 and 10 at night. She retired at once to bed, having presumably had supper in the town.

Next day (17th) the visitor paid half-a-crown for her night's accommodation and left Mrs. Baulcomb's at 9-15 a.m. The only person she spoke of to her temporary hostess was her mother, a brief mention that she had written to inform her of her safe arrival. At 9-30 a young naval stoker, named William Putland, enjoying sixteen days' leave at Eastbourne, chanced to be on the beach, a few hundred yards from the respective houses of Mrs. Baulcomb and Mrs. Wynniatt. He was one of a crowd of people watching a seaplane taking up passengers. As it returned to the shed, Putland noticed a

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girl lying on the beach close beside the latter building. She was wearing a green, three-quarter-length velour coat, with a collar, cuffs, and border of black fur. Putland was near enough to see her face when she stood up, but did not particularly note her features. The vivid colour of the coat, however, attracted his attention, and when he saw it on two subsequent occasions he had no doubt that each time the wearer was this same girl.

Irene Munro, dressed in a short-sleeved frock trimmed with gold braid, arrived at Mrs. Wynniatt's about 10-30 and breakfasted there. In the course of the morning she went to fetch her suitcase from Mrs. Baulcomb's, and returned with it at 12-30. She stayed in till 2-30, when she announced her intention of having some lunch, presumably in Eastbourne. She did not come back to her lodgings until ten o'clock at night.

The girl's movements, later carefully checked, revealed that on the Tuesday she paid a couple of visits to a jeweller's shop in Eastbourne where she bought a gold pencil-case, alleging that it was a present for her uncle. She reported the transaction to Mrs. Wynniatt, but the latter was not shown the article as it had been sent direct from the shop to its recipient. In Irene Munro's letter to her mother, written, as previously mentioned, on Thursday, 19th, she stated that on the Tuesday she had been to Beachy Head, and she also told Mrs. Wynniatt this after her return. To neither did she say whether she went in the company of anybody, but the landlady took for granted that she was by herself. She explained that she had lost her way and taken a short-cut across the golf-links. On Wednesday (18th) she went out after breakfast, reappearing about 1 p.m. During the afternoon she left her lodgings between two and three o'clock and did not return until 10 p.m. She informed Mrs. Wynniatt that she had been to Pevensey, and seemed amused at having lost a heel and a button off one shoe. Directly after she came in she went out again to the post, but was only absent for a few minutes.

On Thursday (19th) Mrs. Wynniatt was told by Irene Munro about 10-30 a.m. that she thought of walking to

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Hampden Park. This was inland, roughly a mile or two away, and lay in a quite opposite direction to that which she was subsequently proved to have taken later in the day. During the morning she wrote to her mother, and mentioned in the letter that she was sitting on the beach as she penned it. Between 1-30 and 1-45 she came back to 393 Seaside, and remained there until she went out once more about 2-45. Since the beginning of the week the house had been in the hands of painters. These two men had seen Irene Munro and knew that she was Mrs. Wynnatt's lodger. One of them, Frederick George Rogers, happened to be working at the gate and opened it for the girl's exit. She walked away in the direction of the Archery, a tavern some 69 yards distant from the house. A few minutes later she reappeared and explained to Rogers that she had come to fetch her coat. Rogers asked whether she would require one as it was a warm afternoon, but Irene replied that she might be out late, whereupon he answered, "I think you are wise." This remark was audible to Mrs. Wynnatt, who was in a room adjoining Irene's. She heard the girl go into her bedroom, and after remaining there for a brief time, leave the house again. Irene was noticed by Rogers to be now wearing a green coat, and he also saw that she took the same direction as she had done just before, *i.e.*, towards the Archery.

Rodgers's fellow-workman, a youth named Verrall, was on a ladder, painting the outside wall of the house. A garden and a short passage divided it from the road. From his elevation he saw Irene Munro go out, return, depart again, and a little later the sound of a laugh attracted his attention to three people walking past. Verrall looked down over the intervening shrubs and recognized Irene Munro as the person who had laughed. She was with two men. Both were unknown to Verrall, but he saw the girl quite plainly when she turned her face towards the house in going by. Verrall was unable afterwards to describe her dress, nor did he see the face of either of her companions. He received the impression that both wore grey suits and no hats. All three went off

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in the direction of the Crumbles, an unfrequented part of the shore between Eastbourne and Pevensey Bay.

Irene Munro had said nothing to her landlady about not coming back to her lodgings. Her luggage and small personal possessions were left there. Mrs. Wynnatt expected her at any time, but the afternoon and evening wore on and she did not return. The landlady stayed up till midnight, by which hour there was still no sign of her, and she continued absent the whole of the following day (Friday). Mrs. Wynnatt was a busy woman. She did all the cooking for the household, and herself waited on her lodgers, so she had had very little conversation with the young girl, who did not even give her London address. Beyond alluding to the nature of her work, and the fact that her mother was in Scotland and had wanted her to go with her, Irene Munro had told Mrs. Wynnatt nothing of her private affairs. She had, however, happened to mention some friends living at Brighton, and the landlady concluded that her non-appearance was due to her having gone to see them. Not until Saturday morning did Mrs. Wynnatt anticipate any ill befalling her, though she consulted her husband as to the necessity of locating Mrs. Munro with a view to informing her of her daughter's non-return. The post on Saturday brought a registered letter for Irene, which Mrs. Wynnatt thought advisable to open. This letter, from Mrs. Munro, contained 30s., and furnished the Wynnatts with her temporary address at Edinburgh. They decided to telegraph to her, but before doing so Mr. Wynnatt chanced to glance at the day's issue of a local newspaper. That organ announced that the previous night a woman's body had been discovered buried on the Crumbles. Mr. and Mrs. Wynnatt went at once to the police station where they communicated the fact of their lodger's absence. Accompanied by her husband, Mrs. Wynnatt visited the mortuary and was shown the remains of the Crumbles victim. She was horrified to see in her the girl who had come to lodge at her house a few days earlier. The face was so badly disfigured by the violence which had killed her that her landlady found recognition

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difficult, but the clothes which the dead woman had worn were unmistakable, notably the green coat. Who was Irene Munro's murderer, and what had been his motive for the crime?

II.

Amongst the many visitors to Eastbourne that summer were a Mrs. Weller, wife of a Lewisham postmaster, and their schoolboy son William. On Friday, 20th August, the two decided to picnic on the Crumbles. About 3-30 in the afternoon the thirteen-year-old lad, running along the rough shingle, tripped and almost fell over some object partly buried in it. From youthful curiosity he stopped to investigate, and found a human foot, clad in a black stocking, without any shoe. His mother, apprised of this exciting discovery, was much upset, and immediately took him back to their lodgings. She told the landlady, Mrs. Lamb, who passed on the information to her husband, a carpenter and joiner, when he returned from work at 5-30. Mr. Lamb did not believe for a moment that a body could be buried there, but in order to satisfy Mrs. Weller, he armed himself with a small garden trowel and, accompanied by William Weller, went to the spot. It was then about 7 p.m., and the Daylight Saving Act being in operation, still light. The foot was in the same position. Mr. Lamb removed some of the shingle and disclosed the body of a young woman clad in a green coat with trimmings of imitation black fur. Her black hat was over her face, the brim weighted down by a large stone. When Mr. Lamb lifted the hat, he saw that the face and head were shockingly injured. The fur collar of the coat covered the mouth. With commendable common sense he touched nothing else, replaced the hat, and dispatched the boy Weller to inform the police. Whilst he awaited their arrival, Mr. Lamb looked round for a possible weapon with which the crime might have been committed, and discovered, 2 yards from the body, an iron-stone brick, 32 lbs. in weight, covered with 3 ins. of shingle. This was

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afterwards seen to bear blood-stains. He came across no bag, purse, or money.

Inspector Cunnington, of the Eastbourne County Borough Police, accompanied by a sergeant, a constable, and William Weller, arrived about eight o'clock. He found Mr. Lamb, who showed him the body lying in a hollow of the beach. The shingle covering it was about 6 ins. in depth on the upper part of the body and chest, more shallow over the feet and legs, and towards the extended right leg very shallow. When the inspector uncovered it further, he saw that the woman was lying on her left side, with her right leg and left arm extended, her left leg bent under the right one, and her right arm bent across her chest, so that the hand came underneath the left arm. The body was fully clothed with the exception of the missing shoe from the right foot, but the coat was folded back about 6 ins. from the thigh, exposing it, and the dress and underclothes were even farther up than the coat.

Beyond lowering the latter for the sake of decency, the inspector touched nothing. He left a constable in charge, and bicycled to Pevensey to summon Superintendent Willard, of the East Sussex Police, as the body had been found just outside the Eastbourne police area. Inspector Cunnington also communicated with Dr. Cadman, police surgeon, and returned with him to the spot. The doctor arrived about eleven o'clock, accompanied by a nurse, who took notes. He examined the body, under the light of an acetylene lamp, and formed the impression that the woman had been killed twenty-four hours previously. The body was then taken in an ambulance to the mortuary at Eastbourne Town Hall where it was undressed. The deceased girl had been wearing the green coat, a grey coat-frock, a blue petticoat, "what is called a camisole, or something of that sort," white calico combinations, buttoning at the back, garters, black stockings, and a black velvet shoe on the left foot. (The right-foot shoe was afterwards found near where the body had been buried.) She was menstruating, and her combinations and a diaper were both stained. The latter was in exact position. The girl's hair was matted with blood.

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In the pocket of her dress was a small white paper bag which looked as though it had held sweets. The cause of death, it was subsequently agreed by the medical men who examined the body, had been violent blows on the face and head. There were no signs of assault.

III.

The local police, realizing early the seriousness and complexity of the case, lost no time in enlisting the help of Scotland Yard. On Saturday (21st) a representative, Chief Inspector Mercer, arrived at Eastbourne, and proceeded to interview all persons likely to throw any light on the crime. Mrs. Wynniatt was unable to give him much information about Irene Munro. She stated that whilst under her roof the girl had been reticent concerning herself, quiet, well conducted, inoffensive, and received no visitors. She was lent no latchkey, so could not have admitted anyone unknown to Mrs. Wynniatt, as the latter or her husband always locked the street door at night. Several letters came for Irene, and it transpired subsequently that she herself had written to various people, intimating her safe arrival at Eastbourne. These included her mother, Mrs. Sinclair, and a girl-friend, Ada Beasley. A letter from Mrs. Sinclair, found at her lodgings, informing Irene that a ring which she thought she had lost had been discovered at Manson Place, gave the police her London address, and Mrs. Munro's letter to her daughter, which arrived on the Saturday, also furnished them with the mother's whereabouts. The Edinburgh police authorities were communicated with and requested to ask Mrs. Munro to come to Eastbourne to identify the deceased, but the reply received stated that she had gone to Glasgow, and her address there was not known. The Sinclairs, approached by Scotland Yard, declined to visit the mortuary, so matters were temporarily at a deadlock. Ultimately Mrs. Munro was located, and arrived on the Sunday (22nd), but prior to this, at her sister's wish, Mrs. Winter travelled down from London and saw the

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body. She recognized it immediately as that of her niece, Irene Munro, and stated that she had last seen her alive a week previously after they both saw Mrs. Munro off at Wapping Pier. Mrs. Winter could not account in any way for the tragedy. When they parted the girl had been perfectly well and was apparently looking forward to her holiday.

Early on the Saturday Inspector Mercer visited the scene of the crime. The Crumbles was a stretch of shingle, several miles in length, from Eastbourne to Pevensey Bay, and about a mile in width from the sea to the main road on the north side. There were houses at intervals along each side of this road, but the Crumbles was entirely beach. Sheds and cottages were the nearest dwellings. On account of its comparative solitude it was a favourite resort for courting couples, but pedestrians found it disagreeable because of the roughness underfoot. Locally its reputation was not too good. People known as "the Eastbourne foxes" were alleged to go there to spy in the hope of witnessing some immorality, and then profiting by levying blackmail. The hole where the body had been buried was 700 or more yards distant from the sea, some 4 ft. in depth, and in width 14 by 17 ft. It was all shingle at the sides, top, and bottom. Twenty yards away a railway-line crossed the Crumbles. This was often utilized by persons disliking to walk over the shingle, but its main object was as a track for conveying ballast. Men were employed in loading trucks with this, and after their work was finished they would wait in a derelict railway-carriage near-by, used as a hut for meals or a shelter during bad weather, until an engine fetched them. As a rule the engine came about 3-30 each afternoon.

In the course of his inquiries the Scotland Yard representative interviewed five men who had been working on the Crumbles the day of the murder. After dinner they were sitting in the hut, which had a view towards the railway-line. Two men and a girl passed in front of the hut, coming from the direction of Eastbourne. They were walking between the metals of the four-foot way, the girl and one man together, the other man slightly in the rear. The first man, the shorter

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of the two, had his arm round the girl's waist, and all three seemed "very jolly and excited." So hilarious in fact were the trio that a suspicion of their sobriety crossed the mind of one eye-witness. The girl looked in at the window of the hut and smiled as she passed. The incident was further impressed upon the memories of all the hut's occupants by the fact that she had been playing with a stray kitten, and the taller of her companions put it down inside the doorway, saying: "Here's a kitten for you." The three walked on in the direction of Pevensey, which was also the same direction as the hole where Irene Munro's body was afterwards found. Between 3-40 and four o'clock the workmen went away on the engine. They saw no other woman pass that afternoon. Some of them noticed that the girl was dark, with good teeth, and wore a black hat, but nothing special about either of the men had struck any of them. The man walking with the girl carried a stick. They thought that he was wearing a blue suit and his associate a grey one. Inspector Mercer took statements from all five, and later they were shown the remains in the mortuary. Each unhesitatingly identified the body of Irene Munro as the girl whom they had seen with the two men on the afternoon of Thursday.

The same day (Saturday, 21st August) a post-mortem examination of the body was made in the afternoon by Dr. Adams, surgeon to the County Borough Police. Dr. Cadman was present and assisted, though he stated later that his rôle had been mainly that of a spectator. Dr. Adams found on the right temple, a short distance from the eyebrow, a small wound of a lacerated character, an irregular penetrating wound on the lip, and to the left of the lip a smaller wound. There was a fracture of the upper and lower jaws, the upper jaw being broken inwards, two teeth missing, and two others forced in. Great violence must have been applied to cause these injuries. There were additional wounds to the left cheek, extending to the temple and beyond the ear. The organs were healthy, the body being that of a well-nourished, strongly made, muscular girl. Half-way up the inside of the right

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thigh there was a small scratch. The girl was not a virgin, though there were no active signs of pregnancy. The cause of death was shock, following unconsciousness produced by an injury to the left side of the head. The fracture of both jaws and the missing teeth and injured lip were due to a blow from some sharp instrument, possibly a stick with a point. Dr. Adams was of opinion that more than one blow might have been struck before the iron-stone brick completed the fatal injuries. He formed the view that the body had been moved after death in order to facilitate the hasty burial.

IV.

Late on Saturday evening the following statement was issued by the police to the press:—

Deceased is Irene Munro, aged between 20 and 25. She described herself as a typist. She has been working in Oxford Street, London, and has resided in Queen's Gate, London.

The police are satisfied that it is a clear case of murder, and are endeavouring to trace two men who passed along the railway-line across the Crumbles towards Pevensey between 3 and 4 p.m. on Thursday, and also the owner of a nearly full-grown sandy kitten which had been left at a hut on the Crumbles.

After Mrs. Munro had arrived at Eastbourne and identified her daughter's body, a second police statement was published in the press:—

The police have interviewed the mother of the deceased girl, Irene Munro, who was eighteen years of age. Her movements during Monday, Tuesday, and Wednesday have been traced.

At 4 p.m. on Thursday she was seen walking along Seaside past 393 Seaside, where she was residing. She was with two fairly tall young men dressed in grey suits of herring-bone pattern.

Just prior to this she had come out of the house and had turned towards Eastbourne, apparently to meet these two men, neither of whom were wearing hats. Almost immediately afterwards she came back and walked towards the Crumbles, the three being in conversation together.

The deceased always carried a faded blue silk handbag, about 9 inches long and 6 inches wide, with a plain white metal snap fastening. The bag had a handle which passed over the arm, the handle being made of the same material as the bag.

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She habitually wore a 9-carat gold ring with a round cluster of four, five, or perhaps six small brilliant white stones. She is believed to have had between £2 and £2 10s. in her possession on Thursday morning. The bag, ring, and money cannot be found.

The police are anxious to trace these articles (which can be identified), and also the two men described.

Two of these clues—the sandy kitten and the missing ring—proved abortive. The kitten was a stray, wandering about the neighbourhood, and Irene Munro had not brought the ring with her to Eastbourne. Mrs. Munro stated that in the girl's last letter to her, written on the morning of the day on which she met her death, she had explained that her holiday expenses were considerable, reducing her finances to about 55s., and asked her mother to send her some money. If robbery had been the motive for killing her, her murderer must have been greatly disappointed at the contents of her bag. Three days after the murder a bunch of keys, identified as Irene Munro's, which she kept in this bag, were found by an Eastbourne holiday-maker not far from the scene of the crime. The police inclined to the theory that her assailant had thrown them away after appropriating the bag and its other contents.

The murder, taking place at the height of the holiday season, aroused an enormous amount of excitement and speculation in Eastbourne. The place was full of rumours. People alleged that they had seen Irene Munro having tea with a man in a tea-garden, or sitting opposite to another man in a local railway-train, or between two men in a motor late on the Thursday night. There proved to be nothing in these stories, but they did not make the task of the police any easier. A mysterious black fluid taken from the girl's stomach was found, after analysis, to be harmless, and her supposed "diary," which Mrs. Wynnatt saw her writing up, resolved itself into a commonplace book in which she jotted down items that chanced to interest or amuse her. Everything was done to endeavour to identify her as a girl seen with a man or two men prior to her death. Her pictures were shown on

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the screen at local cinemas, and a dummy figure, dressed in her clothes, with the head of the dead girl superimposed on it, was photographed and given wide publicity. Bloodhounds were taken to the scene of the murder, without any result, and at a spiritualistic seance held on the Crumbles Irene herself, alleged to be speaking through a medium, proved excessively disappointing and unhelpful in the matter of solving the riddle of her own death.

Chief Inspector Mercer instituted searching inquiries into the victim's antecedents, character, and circumstances. It appeared that Irene Munro was born at Brighton on 23rd November, 1902, being within three months of her eighteenth birthday when she met her death. She looked much more than her actual age, people usually taking her for about twenty-five. When she was six she moved to London with her widowed mother. Irene received her education at the William Street Central Girls' School, Hammersmith Road, where she also learned shorthand and typewriting. For more than a year she had been employed by the firm of Messrs. Maxwell & Wright, underwriters, Regent Street. Entering their service as a junior employee, she worked her way up gradually until she became confidential typist to Mr. Maxwell, at a salary of £2 7s. 6d. a week. He stated that he had no fault to find with the manner in which she fulfilled her duties, and gave her an excellent character. Mrs. Sinclair did the same, whilst her mother described her as quiet, reserved, fond of reading, neat, but not extravagant in her dress or personal habits, and all three thought it most unlikely that she would have gone of her own accord with a strange man to a place like the Crumbles. Another side to her nature was, however, revealed by certain girl-acquaintances of Irene Munro. One of these declared that she had been extremely attractive to the opposite sex, and in the habit of boasting about "picking up" unknown male admirers, who took her to expensive restaurants and entertainments and gave her costly presents. When the police came to investigate her home surroundings, all that could be found to substantiate

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these allegations were certain letters, signed "Louis," written in more or less amorous terms, and a gift of a handbag. This was the missing blue silk one, which Irene told her mother she had bought. The clothing on the dead body was of a cheap quality; the girl had only 8d. in her post office savings account; and her few receipted bills showed that she had paid for most of her modest wardrobe by instalments. Her holiday luggage, which Mrs. Wynniatt handed over to the police, consisted of a small green fibre-covered suitcase that had contained two or three inexpensive dresses, some cheap beads and brooches, poor underclothing, and valueless personal possessions such as her Bible and dressing-jacket. She gave her mother 13s. weekly towards her board, but Mrs. Munro stated that she did not always take this as Irene had to dress herself out of her earnings. Her fellow-workers liked her, and had noticed her devotion to her mother. One of these probably spoke the truth when she said she knew that certain girls were jealous of Irene's pretty face and smart appearance. No evidence was ever forthcoming to show that she had made money by immorality, though she had undoubtedly deceived her mother as to certain engagements and visits to the theatre with men friends. Mrs. Munro stated at the trial that she only learned after the girl's death that she had been acquainted with someone named Louis, and she did not know of anybody whom Irene called "uncle." The police did not show her the letters discovered amongst her daughter's possessions.

Irene's alleged indiscretions speedily found their way into print. After the revelations of her contemporaries, the popular theory to account for her violent death was that some man known to her in London had followed her to Eastbourne, or met her there by appointment, and a quarrel with him had resulted in the crime. Disappointed lust, or the act of a sexual maniac, was also advanced as explaining the extreme violence used by the murderer, but despite the police vigilance and investigations no arrest was made.

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V.

On Monday, 23rd August, the inquest on the body of Irene Munro was opened at Eastbourne Town Hall by Mr. G. Vere Benson, the East Sussex coroner. When instructing the jury to view the body, he asked them to note particularly the injuries the girl had received. The case he described as one of "very brutal and peculiar murder." It would be impossible to finish it that day, but he hoped to call evidence which would justify his issuing an order for the burial of the body.

Mrs. Munro, the first witness, stated that she had seen the body in the mortuary and identified it as her daughter's. She gave particulars of her age and occupation, and said that she had last seen her on the previous Saturday week. She knew that deceased was going to Eastbourne. She had not been there before. The discovery of the foot by William Weller, and the uncovering of the body in the shingle by Mr. Lamb, were described by both these witnesses. Inspector Cunningham gave evidence of being summoned to the Crumbles on the Friday night about eight o'clock, and of the body being examined by Dr. Cadman. Dr. Adams stated that on the following day he had made a post-mortem examination of the remains, and was satisfied as to the cause of death. The Coroner then adjourned the inquest for a fortnight.

On 25th August Dr. Elworthy, pathologist to the West London Hospital, went by the request of the Home Office authorities to Eastbourne for the purpose of making a further examination of the body of Irene Munro. He knew from Dr. Adams's previous examination what the injuries were, and agreed with his conclusions entirely. He formed the same opinion as to the cause of death, i.e., shock, following on blows to the jaws, head, and face, and thought the iron-stone brick had been the principal weapon employed. If the girl were knocked down and stunned and her body dragged a short distance, that would account for the disarrangement of her clothing and the loss of one shoe. Both Dr. Adams and Dr. Elworthy were in accord that when the body was found Irene

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Munro had been dead a much longer time than that suggested by Dr. Cadman. The conditions were consistent with her having been killed between 3-30 and 5-30 on the Thursday afternoon.

The funeral was originally fixed for Wednesday, 25th August, but had to be postponed to allow of the second post-mortem examination. It took place the following day instead. Exactly a week after her murder the remains of Irene Munro were buried in Langney Cemetery, Eastbourne, on Thursday morning, 26th August. The plate on the coffin bore merely her name and age, the date of her death, and the words "Thy Will be done." Her uncle, Mr. Louttitt, and her friend Ada Beasley were the principal mourners. Her mother sent a wreath, but was not present. The police were reticent, nevertheless a tentative arrest had been made in the case two days earlier.

VI.

During Monday (23rd) a local labourer named Frederick Wells had gone to the police with an important statement. He informed them that on the afternoon of Thursday, 19th August, he was in the company of Putland, the young naval stoker who had noticed a girl, wearing a green coat, on the beach on Tuesday morning. The two men lived in adjacent roads—Myrtle Road and Alfrey Road—both leading into Seaside. They met in Seaside about 1-45, just below the Alexandra Arms. Putland invited his friend to have a drink with him, and the pair went into another inn, the Arlington Arms, remaining for a quarter of an hour. When they emerged, they stood outside the inn for about ten minutes. On the opposite side of the road a girl and two men came along, walking in the direction of the Crumbles. Wells had a good opportunity of seeing them, but stated that "he never took much notice of the girl." All he could say about how she was dressed was that she wore a black hat, turned up at the back, with a transparent brim, a checked skirt, and a

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black blouse, but he could not swear to these things. He thought she had a green coat over her arm. Her hair was dark, and she showed good teeth. Her age, so far as he could judge, was from twenty to twenty-five. She was walking between two men, the shorter of whom Wells had seen about in Eastbourne several times during the preceding fortnight. He was dressed in a blue serge suit and a light cap, and carried a stick, yellow in colour, with a dog's head on the handle. His companion wore a grey suit and a trilby hat. Wells put the ages of both at from twenty-seven to twenty-eight. The three were going along "just ordinarily," and Wells had no particular reason for noticing them, but his attention was drawn to them by Putland's remarking that he had seen them together on the previous day. Wells was temporarily unemployed and Putland on leave, so, both being idle, Wells agreed to Putland's suggestion that they should follow these people. Asked at the trial what his motive was in proposing this to Wells, Putland answered frankly: "Just to pass away the time, and to see what they would do." He took his bicycle home, rejoined Wells, and the two went after the trio who in the meanwhile had passed Wells and were a short distance ahead. At Fort Road, just at the beginning of the Crumbles, they saw them get under a fence some 50 yards from the railway-line crossing the shingle. The girl offered her companions a white paper bag which Wells thought contained sweets. He and Putland continued along Seaside, parallel with the Crumbles, the three people being on one side of the fence and Wells and Putland on the other. They walked up a cinder track that branched off at right angles from the road, and saw a sandy kitten, which Wells had noticed straying about three weeks earlier, being picked up and caressed by the girl. Afterwards she and the two men were proceeding along the railway-line towards the railway-hut. Wells refused to follow them any farther, alleging that he disliked the look of the stick the shorter man carried. Putland and Wells returned to Eastbourne.

The following morning they and a friend named Piper

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were together in Victoria Place, a road leading on to the Parade, when Putland and Wells saw the two men both had gone after the day before. They were talking to two girls, neither of whom was the girl who had been walking with them the previous afternoon. Early on Monday morning Putland left Eastbourne to rejoin his ship at East Cowes, and Wells, who had had no communication with him since hearing of the Crumbles murder on Sunday forenoon, went to the police later in the day and related what he had witnessed on Thursday. Asked why he had not done so sooner, Wells replied that "he thought he would leave it until next day." He described the two men and the girl as well as he could to Chief Inspector Mercer. On Tuesday (24th) Wells went with the inspector and another police official to the Parade where he saw the same two men, this time talking to three girls. Wells pointed out the shorter man, whom he recognized more than the other, mainly by his walk. As a result, both men were detained by the police and their statements taken.

VII.

William Thomas Gray and Jack Alfred Field, the two suspects, were residents of Eastbourne, both out of work, and thoroughly undesirable characters. Gray, the older, was aged twenty-eight, and described himself as a plate-layer, though he added optimistically that he was endeavouring to obtain a post as a cinematograph operator. Born in South Africa, of Scottish parentage, he had come over with the South African Heavy Artillery during 1915, and served with that force until his discharge in August, 1917. Since then Gray had settled at Eastbourne, marrying a native of the town, a seventeen-year-old girl named Anderson. He received a small disability pension which, just prior to the Crumbles murder, had been reduced to 8s. a week. His wife worked as a daily servant, and Gray, unemployed for twelve months, spent his enforced leisure in lounging about the beach or Parade, talking to young women, or visiting public-houses and places of

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amusement. Hitherto he had not actually been in the hands of the Eastbourne police for any offence, but he was known to them as a worthless individual, notorious for his relations with the opposite sex. He was completely illiterate, admitting himself that he could neither read nor write.

Field, the younger man, was a lad of nineteen or twenty, better educated and better equipped mentally. He may, as Mr. Edward Marjoribanks suggests in his brief account of the case in "*The Life of Sir Edward Marshall Hall*," have been under Gray's influence, but on his own belated admission it was Field who concocted the story designed to save their necks when—or even before—suspicion was directed to him and Gray as Irene Munro's killers. Field had served in the Navy, being discharged the previous April. He stated that the reason was given on his discharge papers, which probably meant that he was dismissed the service. He had been in trouble with the police several times and had previous convictions. During August, 1920, he was in receipt of 29s. weekly as unemployment benefit. After becoming acquainted two months previously, Field and Gray were constantly together, sharing a liking for bars, cinemas, seaside flirtations, and the swimming-baths. At the trial Mr. Justice Avory remarked on the amount of money that both seemed to have had to squander on entertainment. Field lived with his mother, grandmother, brother, and sister at 23 Susans Road, Eastbourne, which was near Gray's home in Longstone Road. His parents were hard-working, respectable people, the father acting as a head-waiter in London, whilst his wife took summer lodgers.

On the morning of 19th August Field and Gray came into the public bar of the Albemarle, a hotel on the Parade. The time was just after twelve o'clock. The two barmaids, Dorothy Ducker and Elsie Finley, had known both as customers for about a fortnight, though they were unacquainted with their identities or surnames, addressing them respectively as "*Billy*" and "*Jack*." Gray was always clad in a grey suit and a trilby hat, and Field in a dark suit, dark cap, and brown

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shoes. Up to the morning of the 19th Miss Ducker had never seen Gray attired any differently, but she had noticed Field wearing a straw hat. She had comparatively little to do with Field, but Gray joked with her and pressed unwelcome attentions upon her. Although he used to complain of being hard-up, he suggested repeatedly that she should go with him to cinemas. These invitations were invariably declined. On the 19th, as the two were leaving the bar about 1 p.m., after laughing and jesting with Miss Ducker, and enjoying several glasses of bitter each, Gray asked her if she had any biscuits. She told him that he would not want biscuits when he was just going home to his lunch, but Gray explained that he meant biscuits for his dog. She inquired where the dog was, whereupon Gray held up the handle of a walking-stick. As well as Miss Ducker could remember, it had a bulldog's head on it, but she did not see it sufficiently long to be able to describe it more fully. The pair came back about two o'clock and drank a glass of bitter apiece. Undeterred by previous snubs, Gray proposed a visit to a picture-house that afternoon, which Miss Ducker promptly refused. They then called for a cheaper variety of beer, and asked if they could have a drink for nothing. Miss Ducker answered, "No, of course not," whereupon Gray again repeated his invitation to the cinema. Miss Ducker declined decisively, and Gray said: "Very well, if you wait till the evening we shall have more money by then." The barmaid asked whether they were hard-up again, and Gray replied that she knew that he was out of work and his pension small. He mentioned that he and Field would return about 6-30, and proposed that Miss Ducker should go with them to the evening performance at the Hippodrome. She refused as usual, and they went away, the time being 2-30. Both were dressed as they had been when they were in the bar during the forenoon.

The Albemarle had two bars, a public and a private one. At 6-30 the same evening Miss Ducker was sitting in the private bar, ready to go out. It was her night off duty and she had decided to patronize the first house at the Hippodrome,

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a short distance away. Field and Gray came into the public bar and asked Miss Finley, the other barmaid, where her colleague was. The three then came round to the private bar, and Gray invited both girls to have something to drink. Each accepted, Miss Ducker choosing port wine and Miss Finley whisky and soda. The two men drank bottled beer, a thing Miss Ducker had never known them to have before. Gray paid for all the drinks. He and Field were also smoking expensive cigarettes, and offered the box to both barmaids. Miss Ducker could not remember the make, but "it was a jolly good cigarette." Miss Finley, accustomed to seeing these men smoking a much cheaper kind of tobacco, remarked on the brand, whereupon Field replied: "We can have a good cigarette sometimes if we want to." Gray asked Miss Ducker if she were going with him and Field to the Hippodrome, but she again said no.

A change in Gray's appearance had immediately struck Miss Ducker, and she told him that he looked dirty. He was wearing a dark suit and cap, and his boots were, to quote Miss Ducker's expression, "filthy dirty." His explanation was that when on the beach that afternoon Field had pushed him into the water, and as his clothes were not dry by six o'clock he had had to change them. Miss Ducker had never seen him thus attired before, or known him to change his garments in the course of the day. Field heard Gray's answer, but made no comment beyond a smile. Miss Ducker then went off for her evening's amusement, leaving both men in the Albemarle. She was at the Hippodrome for about two hours—from 7 till 9 p.m.—and during the performance noticed that Field and Gray had come in and were sitting about four seats behind her. In the interval she looked round and saw that they had gone out.

The two went to the bar, where Field treated Gray and one of the attendants, a man named MacMullen, to a drink each. He then paid back a sum of 2s. which he had borrowed from MacMullen three months previously. MacMullen was surprised at receiving his money, and asked the (in the circum-

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stances) maladroit question: "Well, have you been setting about somebody?" Field also repaid 7s. to a man called Burton who was at the Hippodrome that night, the transaction being witnessed by another attendant who noticed that Field was smoking Turkish cigarettes. Burton thought both Field and Gray slightly the worse for drink. After the performance was over, they went back to the Albemarle and had more beer, treating one or two men whom they met in the bar, and remaining until 10-30 p.m.

Between eight and nine o'clock Field and Gray left the Hippodrome. At the corner of St. John's Road they accosted a girl whom they saw posting a letter. The young woman, Hilda Maud Baxter, was employed as a scullery-maid at a house called Ravenhurst, and this brief expedition to the pillar box was her first outing on the 19th. The two men wished her good evening, and one of them asked if they might walk home with her. She agreed, and parted from them at the gate of Ravenhurst without learning their names. Three days later (Sunday, 22nd August) she encountered them again near the Wish Tower. The three sat on a seat and talked. Miss Baxter said that she was leaving Eastbourne the following Saturday to return to her home at Colchester, and gave as her reason for being glad to go that there had been one murder at Eastbourne and "she was afraid of getting murdered herself." Gray replied: "It is not Eastbourne. It is the people who come from London." When they parted, he suggested a further meeting, and appointed 3-30 on Monday afternoon at St. John's Road. The trio duly met then, and went up to the golf-links where, after picking some blackberries, they sat on a bank. Gray told Miss Baxter that he and Field were brothers named Billy and Jack White, and that they lived near the Hippodrome. Following a diet of blackberries, Miss Baxter went home to tea, but she agreed to meet the two men again the same evening about seven o'clock. They took a walk along the sea-front in the Beachy Head direction and sat on the last seat. The conversation turned upon the previous Thursday, the day of the Crumbles murder, and Gray said

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that during the afternoon he and Field had been to Pevensey. He went into certain details, notably as to times, as though endeavouring to impress the incidents on Miss Baxter's memory. They asked her if she had visited the place, and she replied that she had not. Gray carried a copy of the special edition of the *Eastbourne Gazette* and, appearing to read from it, said that the police were looking for two men in grey suits, and also repeated the description of Irene Munro's missing bag and ring. He saw Miss Baxter home as far as the corner of her road, and arranged to meet her again on the following night (Tuesday), but the appointment was never kept. Field and Gray were unavoidably detained by the police, and Miss Baxter, after an interview with an official, refused to see them when they came to the house following their release. On the whole she was fortunate to escape with nothing more serious than the loss of her watch. Under pretence of having it repaired, Gray borrowed it from her, and it was afterwards found at his house, thus proving him a petty thief. Miss Baxter herself repudiated Field's story that the watch had been a gift.

VIII.

Field and Gray were taken by Detective-Inspector Wells, of the Eastbourne County Borough Police, to Latimer Road Police Station. On the way neither spoke. In the inspector's office Wells said that they would wonder why they had been brought there, and Field replied: "We have been expecting this, as we both wear grey suits." Gray, who heard the answer, made no observation. The official next said that he would not ask them anything, but would communicate with Chief Inspector Mercer. The pair were then taken to the Central Police Station at the Town Hall, where the Scotland Yard detective interviewed both. Whilst waiting for him, Field and Gray, under the charge of a constable, were left in a small room, 16 ft. 5 ins. long and 10 ft. 6 ins. wide. Field afterwards alleged that a certain conversation took place between him and Gray, but it was proved that it could not

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have done so without the policeman overhearing. He stated that two very brief remarks were all that was said by either man.

Chief Inspector Mercer interviewed each separately. He told Field, to whom he spoke first, that he had been asked to come to the police station because it was said that he was crossing the line on the Crumbles near the two huts with another man and a woman about 3 p.m. on Thursday, 19th August. The inspector added that Field was to take plenty of time and think carefully before making any statement. He was not compelled to say anything unless he liked, but any explanation he cared to give as to where he was on that date would be taken down. These words headed Field's subsequent statement. He gave his name as Jack Alfred Field, his age as nineteen, added that he was of no occupation, had been recently discharged from the Navy, and lived at 23 Susans Road, Eastbourne. After he had read over his statement, Field signed it and said that it was correct.

Accounting for his movements on 19th August, Field said that from 10-30 a.m. till 1 p.m. he and Gray were sitting on the sea-front. He said that he went home to dinner at one, leaving again about 2 p.m., and meeting Gray at his house in Longstone Road about five minutes later. He and Gray walked straight along Seaside, past the Crumbles, to Pevensey Bay. At Pevensey Castle they sat down on the castle green, and whilst there Miss Baxter passed them. Field gave her name and address, said that Gray spoke to her, and she stayed with them till four o'clock. The three walked back together the same way that Field and Gray had come, arriving at Leaf Hall about 5 p.m. They had ices at a restaurant called the Criterion, and at 5-30 Field and Gray left Miss Baxter and went to Gray's house where they played cards till 6-15. Field left when Mrs. Gray came in, and returned to his own home for tea. He called for Gray again about 6-30 or 6-45, and they went to the Hippodrome, arriving about 7 p.m. About nine they visited the Albemarle and remained till ten o'clock. They then returned to the Hippodrome, leaving about

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eleven o'clock, when Field went home to bed. The next day (Friday, 20th) was spent mostly on the sea-front, or in visiting picture-houses. Field stated that on the 19th he was wearing a grey double-breasted coat, grey flannel trousers, and a straw hat. He denied that he carried a stick, or that he crossed the Crumbles on Thursday or Friday. He had no cat in his possession either day.

This statement, in addition to being a tissue of untruths and misrepresentations, contained several highly important omissions. Field made no mention of his and Gray's calls at the Albemarle on the 19th before and after lunch, or at 6-30, but gave the impression that their visit in the late evening was the first time they had been there that day. He did not say in his statement that after lunch he and Gray mounted a bus which took them to the Archery, a fact mentioned by Gray in his statement, and subsequently corroborated by a witness who knew both men. He did not refer to walking with or talking to any girl, though, as Mr. Justice Avory remarked in his summing up, there was no reason why he should have concealed the fact unless she were the deceased one, Irene Munro. Field also stated that on Thursday, at mid-day, he went home to dinner, whereas he had gone to a restaurant in Langney Road for this.

Gray's statement, taken from him after he had received a similar caution to Field's, followed much the same lines as the latter's. He stated that on the 19th he left his house at 10 a.m. and went straight to the sea-front, where he met Field. They stayed there, listening to the band, till 1 p.m., and then walked back together to Field's house, where Gray went home. They met again soon after two, at the corner of Bourne Street and Longstone Road, and walked to Leaf Hall where they took a bus to the Archery. There they alighted and went at once down Pevensey Road to Pevensey Castle. They reached the castle about 3-30 or 3-45, and sat on the castle green. Here they met "a lady friend whose name was Maud." Gray alleged that he did not know her surname, but knew her at Colchester when he was stationed

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there. She was in service at a house in St. John's Road, Eastbourne, but though she told him the name, Gray had forgotten it. The meeting at Pevensey was an accidental one. He introduced her and Field, and they all returned together to Eastbourne. Gray stated that they walked to the Archery, and there took a bus to Leaf Hall. He asked the driver the time and was told that it was 5-15. At Field's suggestion they had ices at a small shop after leaving the bus. He and Gray then went to Gray's house which they reached "about ten past six." They stayed there for an hour and then walked to the Albion Hotel, and from this went to the Hippodrome. Here they remained from 7-30 till nine, and then left the place and walked to the station. Returning to the Albion, they had another drink and left about 9-30. Field, Gray and two men whom they met in the Albion walked together to Victoria Place where they parted, Gray returning with Field as far as his house and then going on to his own. He detailed his movements on Friday much as Field had done, mentioning visits to two picture-houses. Gray denied that he had ever met "the young lady whose photograph is in the *Daily Mirror* of 23rd August" (Irene Munro), or that he had gone across the Crumbles on the 19th or the 20th. He further added that, although a resident in Eastbourne for three years, he "had never been across there in my life." Neither he nor Field had had a cat in his possession on Thursday or Friday. On these days he was dressed in navy blue, a suit which he had been wearing for about two weeks previously, and on Thursday he wore a trilby hat. He admitted to the ownership of a grey suit at home.

Gray's statement was as inaccurate as Field's. He, too, omitted the essential events, such as the two early visits to the Albemarle on the 19th, and either deliberately, or by mistake, as they were adjoining, confused the name of the hotel with that of its neighbour, the Albion. Certain times which he gave did not tally with Field's, though the main outlines of their stories were similar. No charge was then made against either, but they were told that they would be

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detained whilst their statements were investigated. The following day (25th) the men from the railway-hut attended an identification parade, but failed to pick out either man as the companion of the girl they had seen on the 19th.

Miss Baxter was interviewed by the police and immediately denied the story of Field and Gray that she had been with both at Pevensey on the afternoon of 19th August. Her statement that she was not out of the house all day until she went to the post that evening was corroborated by her fellow-servants, two sisters-in-law named Hawes, who testified to the fact that the three of them had had tea together at Ravenhurst during the material time. Police officials also searched Field's house and took possession of a stick ornamented with a dog's head, a grey jacket, a light waistcoat, a khaki cap, and a straw hat. At Gray's house a grey suit was found, and two trilby hats. None of these articles bore blood-stains, nor was any of Irene Munro's missing property found at either home. When shown the stick on the 25th by Inspector Mercer, Field acknowledged that it was his, but denied that he had had it with him on the 19th. Informed that Miss Baxter had stated that she was not with them at Pevensey, Field replied that "he must have been mistaken as to the young lady," but still swore that he had been there. When Gray was told the same and informed that he would be further detained, he said nothing.

On the 26th, after two days' detention, the police officials were obliged to release Field and Gray without any charge being made against either, but the authorities continued to amass evidence which tended to prove that both men had certainly been in the company of Irene Munro on the afternoon of the day she met her death. A conductor named George Blackmer, employed by the Eastbourne Motor-bus Corporation, stated that he was due to commence duty at 3-6 p.m. on the 19th. Near Firle Road he boarded an omnibus scheduled to arrive at the depot beside the Archery at 2-45. Whilst standing on the platform, a piece of paper struck him, but on looking round he could not see who had thrown it. When

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passengers alighted at the Archery, Blackmer got off and saw Field and Gray, with whom he had been acquainted for some months, also leaving the vehicle from the upper deck. He was wearing a new uniform recently served out to him, and Field accused him of being too proud to speak to Gray and himself on this account. Blackmer laughingly denied the accusation, and after a few seconds' conversation with both, moved away to talk to the driver of the bus. He was going towards the depot when he chanced to look round and saw a girl crossing the road from the bus shelter. She was walking to where Field and Gray were standing, and as she advanced she called out: "Hullo, Jack!" Blackmer was not a good judge of distance. He stated that the girl was 100 feet away from him when he saw her and heard her voice, but it was subsequently proved to have been a much shorter space. He did not notice whether she wore a coat, but thought she carried a small black handbag, and was wearing a black hat and a blue dress. He studied her face sufficiently to recognize later a strong likeness between her and certain photographs of Irene Munro, though he would not swear that she was the girl he had seen. Field and Gray he could not be mistaken about, and he was positive that both wore grey suits.

Farther along Seaside, a little beyond the Archery, some new houses were in process of erection. On the 19th a plasterer's labourer named Charles Gordon Dyer was working there. Between 2-30 and 3 p.m. he was in front of the houses, mixing up some mortar, when three people passed, walking in a row, going towards the Crumbles. One of the men Dyer recognized as Gray. He was nearest to Dyer, and the other man, whom Dyer did not know, was walking arm-in-arm with a girl. Dyer was no doubt ruffled at having to work on a hot August afternoon whilst other less deserving cases idled and enjoyed themselves. He pointed out Gray to his workmate, Jupp, remarking that as a married man Gray ought to be ashamed to go about with girls. Jupp rejoined that Gray was not the only one who did so, whereupon Dyer said that

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Gray made his wife go out to work to keep him. Gray was attired in a light grey suit and a trilby hat, and Dyer thought that the other man was dressed similarly, but he did not see him well or take much notice of him. Jupp barely glanced at the trio, and could not recognize either of the men subsequently. He was not particularly interested in the incident, though he corroborated Dyer as to the details and Dyer's observations. He remembered the date by a circus being in Eastbourne near to where he and Dyer were working, and giving its last performances on 19th August. He recollects that one man was taller than the other, but noticed nothing about the girl or what she was wearing.

Early on Saturday (21st August) the posters outside the local newsagents had published the discovery of the finding of a woman's body on the Crumbles. Within a couple of hours of this announcement Field and Gray were at a military camp some miles from Eastbourne, making inquiries about enlisting in the Army. They did not give any names. Gray told Sergeant Hubble, who interviewed both, that he was out of work and his pension had been reduced. Field said nothing. The recruiting-sergeant was away for the day, and neither man adopted a suggestion that they should go to Bexhill where, in the event of their being accepted by the Army authorities, their railway-fares would be refunded. This significant episode found no place in the statements both made to Inspector Mercer.

Immediately after their temporary detention and release Field and Gray, totally unabashed, reappeared in their old haunts. Near the Pier Hotel they met an acquaintance named Grayling. Gray informed him that he and Field had been "locked up," and when Grayling inquired the reason, added, "as regards the Crumbles turn-out." Grayling said that this was surprising and offered the two men a drink. The three went into the hotel, and whilst drinking together Field remarked to Grayling: "We were down that way in the afternoon with a girl, but, since, the young girl has come forward to prove our statement that we were down there

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the same day with her." On coming out of the hotel Field left Gray and Grayling, and Gray, referring to Field, said : " Yes, I shall be getting into trouble with him before long."

Outside the Albemarle, later in the day, Field and Gray met Miss Ducker, to whom they boasted of their prison experiences. She at once realized that the " Billy and Jack " who had been her customers were also the " Field and Gray " about whom the police had come making inquiries. No reference was then made to the events of the previous Thursday, though the same evening the two men reminded Miss Ducker that they had been at the Hippodrome that night. She commented upon Gray's shabby appearance, and he told her that the police still had possession of his suit. Field added that they also had his cap and stick, but the incident of the stick with the dog's head did not recur to Miss Ducker's memory until some time afterwards. Her last sight of Gray as a customer was one night about a week later. He was sitting in the private bar and Miss Ducker was serving patrons in the public one. One of these asked her if she had seen " the latest about the murder." A sailor had come forward with certain information. Miss Ducker took the paper to Gray, accompanied by the same question. He answered that he had been looking for it all night, snatched the paper from her, ostensibly read the news, and went out. She never saw him again a free man.

IX.

On Monday, 23rd August, William Putland had caught the 8-28 a.m. train from Eastbourne to return to his ship at East Cowes. At the station he bought a picture paper in which he read an account of the Crumbles murder. He had heard the previous Saturday that a body had been found on the Crumbles, but was not much interested. His attention was now attracted by a portrait of Irene Munro, wearing a hat and coat. The face struck him by its likeness to the girl whom he had seen on the beach on Tuesday morning,

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with two men on Wednesday afternoon, and again on Thursday in their company. Four days after rejoining his ship Putland mentioned the matter to another sailor, and on 30th August his commanding officer sent for him and took a statement from him. This was duly forwarded to the police authorities at Eastbourne, and subsequently Putland was asked to return there. On 2nd September Chief Inspector Mercer interviewed him, and on Saturday, 4th September, by his instructions, Putland walked along the parade. He noticed two men drinking tea at a coffee-stall, and recognized the shorter man as the one he had seen on Wednesday and Thursday with the girl and another man. On this occasion he was wearing a trilby hat, whereas on the Thursday he had worn a soft cap. The other man was dressed differently from the way the shorter man's companion had been, and now wore a cap. Putland could not identify him. He pointed out the first man to the police. Shown a number of caps, Putland picked out one as identical with the cap the shorter man had worn on the Thursday, and he also selected from a pile of coats a green one as similar to the coat he had seen the girl wearing on three occasions. Inspector Mercer did not tell him that Wells had made a statement and also identified one of the men.

At seven o'clock on the evening of 4th September Chief Inspector Mercer accosted Field outside his home in Susans Road. He told Field that he would have to accompany him again to the police station and the reason would be explained when they reached it. Field replied: "I have been up there every day," and added, after they had walked some distance and the inspector proposed hailing a cab: "All right, and then you can give me my things." At the Town Hall Inspector Mercer said: "You will be charged with being concerned with Gray in the wilful murder of Miss Munro at the Crumbles on 19th August. A sailor named Putland identified you this afternoon when you were at the coffee-stall on the beach as a man he saw with her there at 3 p.m. on the 19th." Field, when cautioned in the usual way, asked if he could see the sailor. He was told that he would have

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an opportunity of doing so, and then said: " You have had my statement and you are no man not to believe it. I kept quiet before, but I shall not this time. I have told you the truth."

At 8-15 the same evening Chief Inspector Mercer and Inspector Wells saw Gray in Seaside. The occasion was noteworthy for the fact that Gray for once happened to be walking with his wife instead of another woman. Inspector Wells spoke to Gray, telling him that he would have to accompany him to the police station. Gray's reply was: " All right." He was taken in a cab to the Town Hall, where Inspector Wells said: " You are to be charged with being concerned with Jack Field in the wilful murder of Miss Munro on the Crumbles on 19th August. A sailor has identified Field as being with her there on the 19th, and you say in your statement you were with him that afternoon, but the sailor did not identify you." After being cautioned, Gray said: " I spoke the honest truth the other day. If I did not, may I be struck dead. I wish I had never come to England."

The adjourned inquest on Irene Munro was resumed on 6th September, and after several hearings terminated in a verdict of " wilful murder " against both Field and Gray. When returning the latter, the jury added that in their opinion the murder was committed during the afternoon of 19th August. The proceedings before the Magistrates ultimately ended with a similar finding. Both men, who pleaded " Not guilty," were committed for trial at the next local assizes. During the time between their arrest and the hearing of the case, they were in separate cells at Maidstone Prison. Whilst there, Gray made futile attempts to persuade a prisoner on remand to assist him in establishing an alibi for the afternoon of the 19th. He also entered into conversation on the subject of the murder with a convict serving a sentence for theft. The evidence of these two men, both unbiased and unbribed, told heavily against Gray at his trial.

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X.

The trial of Field and Gray for the murder of Irene Munro took place before Mr. Justice Avory at the County Hall, Lewes, in December, 1920. It opened on Monday, the 13th of the month, and lasted for five days. Mr. C. F. Gill, K.C. (later Sir Charles Gill), Mr. Curtis Bennett, K.C., and Mr. Cecil Whiteley appeared for the Crown. The finances for the defence were provided by the proprietors of *John Bull*. Field was defended by Mr. J. D. Cassels (who had represented both men during the magisterial proceedings), and Mr. G. P. Robinson; Gray by Sir Edward Marshall Hall, K.C., and Mr. John Flowers. The previous month Marshall Hall had secured an acquittal for his client Harold Greenwood at Carmarthen Assizes on a charge of poisoning his first wife, but he was not destined to score a similar triumph in the Crumbles trial.

The Crown case was more or less straightforward. Several witnesses, although they differed in regard to detail such as the girl's dress, had practically identified Irene Munro as the young woman seen with two men at or near the spot where her body was afterwards found, and the identity of her companions was clearly established by people who knew Field and Gray personally. The accused could produce no water-tight alibi, and the lines which the defence proposed to follow were in the nature of a forlorn hope. The medical opinions as to the time when Irene Munro met her death had been conflicting. Dr. Cadman placed this as twenty-four hours before he saw the body, *i.e.*, 11 p.m. on the Thursday night. The other two doctors both concurred in the view that she was killed during the afternoon of the 19th, between 3-30 and 5-30 p.m. If the murder had been committed at night, Field and Gray could call witnesses to prove that they were in Eastbourne then, either at the Hippodrome, the Albemarle, or their own homes, but if in the afternoon, they were unable to produce a single person who had seen them, as their statements alleged, at Pevensey or elsewhere during the material time.

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With the exception of Mrs. Wynnatt, who did not see her go out on the 19th, but only surmised from her movements that she had done so, it is curious that during the day she met her death no woman noticed Irene Munro sufficiently to recollect and identify her. All the witnesses—Rogers, Verrall, Blackmer, Dyer, Jupp, Putland, Wells, and the workers from the railway-hut—were men. Consequently there was a considerable diversity of opinion amongst these as to how she was dressed, a fact of which the defence was not slow to take advantage. A further point in favour of the accused, which Marshall Hall stressed in his concluding speech for Gray, was that evidence had been called to show that Irene Munro was a girl of a certain refinement, with particular tastes, and most unlikely to associate with two shabby, out-of-work men like the accused. This was possible in a measure, but, as the Judge pointed out during the course of his summing up, neither prisoner appeared at his best when in the dock. The girl was, unfortunately for herself, prone to let strangers make her acquaintance, and Field and Gray quite obviously made a habit of starting temporary friendships with unknown young women, as evidenced by the ease with which they insinuated themselves into the company of Miss Baxter.

After both prisoners had pleaded "Not guilty" to the indictment, Mr. Gill opened the case for the Crown. He described the relative positions of Field and Gray, both ex-service men, out of work, and living near to each other in Eastbourne. He then referred to Irene Munro, her social status, her employment, age, and the fact that on 16th August she had gone to Eastbourne for a fortnight's holiday. During the afternoon of the 19th she left her lodgings at Mrs. Wynnatt's and never returned. The discovery of her body next day on the Crumbles, the two-mile stretch of shingle which ran between Eastbourne and Pevensey Bay, was retold, and the injuries revealed at the post-mortem detailed. The case for the prosecution, Mr. Gill stated, was that on the afternoon of 19th August the two accused met Irene Munro close to her lodgings and accompanied her to the place where

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she was subsequently murdered. They had been with her at the time of her death, which amounted to saying that they were the persons who inflicted the violence which resulted in it. The episodes at the Albemarle were gone into, the clothes worn by both men, the incident of the stick bearing a dog's head, the meeting of Blackmer with the prisoners outside the Archery Tavern, and his seeing a girl come and speak to them, whom he identified by her photographs as Irene Munro. The additional statements of Dyer, Jupp, Putland, Wells, and the five men in the railway-hut were touched upon. The latter were the last people who saw the girl alive. The time could be proved as being soon after 3-30 in the afternoon.

Dealing with the actual crime, Mr. Gill explained that nothing could be said as to how the murder happened. The girl might have objected to some suggestion made to her, and been struck down in a fit of rage. Realizing that they must silence her for good, the heavy stone was probably taken up and dropped on her face, causing the fatal injuries. Burial in the shingle followed, and the body might have been dragged some distance, thus accounting for the missing shoe and the disarrangement of the clothing.

Counsel next described the actions of the accused for the rest of the day and the two following. At 6-30 on the evening of Thursday they were once more in the bar of the Albemarle, spending money freely. They treated the two barmaids to a drink each and were smoking expensive cigarettes. Next day they were about in Eastbourne and visited a couple of cinemas. Early on the Saturday the news of the body being found on the Crumbles was announced and caused a great sensation. At 10-30 the same morning the prisoners visited a military camp two miles out of Eastbourne and endeavoured to enlist. The suggestion of the prosecution was that they anticipated arrest and were preparing a story which might exonerate them. They knew that the time to be accounted for was the afternoon of Thursday. Counsel then referred to the statements both men made when detained by Inspector Mercer and to the fact that their stories tallied as to where they were and whom they

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were with, i.e., at Pevensey Castle, in the company of Miss Baxter. If the jury were satisfied that this tale was not only false, but concocted, that had an important bearing on the question of their guilt or innocence. The Crown contended that they had been together before, at the time of, and after, the murder, and whoever identified one, the other was equally proved his companion. If the jury accepted the evidence of these witnesses, the accused had lied about their movements on the day of the crime.

Mr. Gill then dealt with the statements made by two prisoners in Maidstone Gaol, men with whom Gray had held certain conversations. It was for the jury to say whether they could accept such evidence, but he submitted that they could not regard it lightly. In conclusion, counsel said that the important question was whether the two men seen passing the railway-hut with the dead girl were the two men in the dock. If the Crown satisfied the jury upon that, the rest of the evidence was consistent with the accused's guilt, and all their subsequent conduct was consistent with their guilt, especially the fact that, after having an opportunity of considering the matter, they had put forward a concocted and deliberately false statement as to their whereabouts at the time.

The first witnesses called were an architect and a photographer, each of whom produced plans and photographs of certain areas connected with the case. The boy Weller and Mr. Lamb then gave brief evidence as to the finding of the body on the Crumbles. There was no cross-examination of either by Marshall Hall, but on Field's behalf Mr. Cassels asked Mr. Lamb a few questions. The evidence of Inspector Cunningham and Superintendent Willard followed. This closed the first day's proceedings, which had been considerably hindered by the action necessitated by a juror's request for exemption on the ground of ill-health.

At the second day's hearing Dr. Cadman was the first witness called. He described his summons to the Crumbles on the night of the 19th and his examination there of Irene Munro's body. It was cold and *rigor mortis* so well estab-

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lished that he could not move the limbs. Whilst he made his examination, the doctor was sitting on the large iron-stone brick, and not until he had finished his task did he examine the brick and saw blood-stains on one side of it. He thought the blow on the jaw was the original one struck. In cross-examination by Mr. Cassels the witness stated that when he first saw the body he formed and advanced the opinion that the girl had been dead approximately from twelve to twenty-four hours. He gave evidence at both the inquest and the police court proceedings, but could not remember whether he stated this fact at either. He now stated that he thought the condition in which he found the body on Friday night consistent with death having taken place on the Thursday afternoon, but refused to commit himself to a positive time, *rigor mortis*, on which he based his first conclusions, being extremely indefinite. It would set in six hours after death. When the witness saw the body again at 2.30 on the afternoon of the next day, it was relaxed to the extent that the arms and legs were down. Beyond the disarrangement of the clothing he saw no signs of any struggle. He examined the body to see whether the girl had been held by the throat or wrists, but noticed nothing to support this view. The small scratch half-way up the inside of the right thigh witness thought had been inflicted during, or just before, the death struggle. He knew on the evening when he first saw the body that the time factor would be a matter of importance in the case. Nothing during the post-mortem examination made by Dr. Adam, at which witness was present, mainly as a spectator, had altered his original opinion as to the time of death.

In cross-examination by Sir Edward Marshall Hall, Dr. Cadman said that when he gave as his opinion on the Friday night that the girl had been dead twenty-four hours he had no knowledge of the circumstances which led to the murder. He gave an entirely impartial and independent judgment. In further cross-examination he admitted that he had stated the time—twenty-four hours—at both the inquest and the police court proceedings. He still retained that opinion. Marshall

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Hall then replied that he would not pursue the point, because if the witness thought that twenty-four hours was the limit of time, then eleven o'clock on the Thursday night was the earliest hour at which Irene Munro could have been killed. Dr. Cadman answered: "Decidedly."

Re-examined by Mr. Gill, the doctor at first denied that in his examination-in-chief he said that the condition in which he first saw the body was consistent with death having occurred on Thursday afternoon, but did not wish to withdraw the statement because it was the case. He based his opinion upon blood flowing from the left nostril when the body was moved. If death had taken place earlier than twenty-four hours, he would have expected the blood to be coagulated. There was no re-cross-examination by either defending counsel.

Dr. Adams gave evidence of the results of the post-mortem examination he made on the body of Irene Munro. He first saw it at 2-30 on Saturday, 21st August. After describing the manifold injuries to the face and head, which could have been caused by the brick, witness stated that the first severe blow on the left side of the head produced unconsciousness, and death resulted from injury to the brain. In cross-examination by Marshall Hall the witness gave as his opinion that one or more blows had been struck before the brick was used. The penetrating wound in the front of the face, which knocked out two teeth and dislodged two others, was probably, but not necessarily, caused by a sharp instrument, "something like a stick with a point." The question of *rigor mortis* was then thoroughly investigated, the witness giving it as his opinion that what Dr. Cadman took for blood flowing from the nostril had been a very fine serum, or discharge, resembling blood. The witness was not asked at the inquest or the police court proceedings to express any view as to the time limit.

The examination and cross-examination of Dr. Elworthy, who made a further post-mortem examination of the body of Irene Munro on 25th August in the presence of Dr. Adams, supported the previous witness's evidence as to the nature and

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cause of the injuries and the weapons utilized. Dr. Elworthy was of opinion that if an examination had been made, either by Dr. Cadman when he first saw the body, or at the earlier post-mortem on the 21st August, to discover the temperature of the inside of the body it would have thrown more light on the time when death occurred. A re-examination by Mr. Gill elicited the opinion from the witness that when Dr. Cadman first saw the body the conditions were quite consistent with death having taken place between 3-30 and 5-30 in the afternoon.

Evidence was given by John Webster, official analyst to the Home Office, of having examined the stone found near the body. He discovered certain stains which, on being analysed, were human blood.

Dorothy Ducker gave evidence relating to the visits of Field and Gray to the Albemarle on 19th August. She remembered them first coming in just after twelve o'clock, and the episode of Gray's asking for biscuits for his dog. Shown a stick in Court, the witness considered it "something like" the one Gray had held up, but would not swear that it was the same, as she had not had a good look at the original. She remembered the dog's head. In cross-examination by Mr. Cassels the witness stated that she had not seen the stick before the 19th, and never in the possession of Field. Cross-examined by Marshall Hall, Miss Ducker remained positive that the date of the stick episode was the 19th, and not, as suggested to her by defending counsel, a week earlier. She did not mention a stick when giving evidence before the coroner on 21st September as she had no recollection then of the incident, but when the murder was being discussed in the hotel bar on a later date a customer remarked that the crime might have been committed with a stick. This brought back to the witness's mind the stick she had seen in Gray's hand, and she replied that she remembered it. Afterwards she made a statement to this effect to the authorities. Elsie Finley, Miss Ducker's fellow-bar-maid, corroborated certain of her colleague's evidence as to

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the drinks offered to both by Gray on the evening of the 19th, and the expensive cigarettes which the two men were smoking. In cross-examination this young lady proved more than a match for Marshall Hall. She fell into none of his obvious traps, and "did not remember" a good many incidents about which he questioned her.

The evidence of Blackmer, Rogers, Verrall, Dyer, and Jupp followed. Blackmer positively identified Field and Gray as alighting from the omnibus at the Archery, and immediately afterwards being accosted by a girl. This was obviously when Irene Munro had just come out of 393 Seaside, and immediately before she went back there for her coat. Rogers and Verrall knew her by sight as a lodger in the house where both were working, and were agreed as to seeing her leave it shortly before three o'clock on the Thursday afternoon and go towards the Archery. Verrall gave evidence of seeing her walking past almost immediately afterwards, accompanied by two men. Dyer recognized Gray a little later, with another man and a girl, his statement that he pointed out Gray to his fellow-workmate Jupp, speaking of him by name, being corroborated in the latter's evidence. Next followed that of Putland and Wells.

The story of these two pointed overwhelmingly to the accused as Irene Munro's companions. Putland had seen her twice before, alone on the Tuesday, and with the same men on the Wednesday. Both he and Wells picked out Field as one of the men they had followed on the Thursday and recognized on the Friday with two different girls. Both the defending counsel endeavoured somewhat unchivalrously to discredit the value of these witnesses' evidence by insinuating in cross-examination that they had gone after the trio to the Crumbles for purposes of blackmail, but the Judge objected, pointing out that evidence had been called which gave Putland and Wells good characters by previous employers, and that curiosity, possibly not of a wholly admirable kind, had been their sole motive in acting as they did.

The next witnesses were Mrs. Wynniatt, whose evidence

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shed no light on Irene Munro's death, and the five railway-men. Their evidence was very similar, emphasizing the high spirits of the girl and her companions, but their descriptions of the latter were vague, and they all admitted to having been unable to pick out either of the accused at the identity parade. Evidence was then given as to the visit of Field and Gray to the Hippodrome on the night of the 19th, the amount spent on drinks, and the borrowed money Field paid back. Hilda Maud Baxter then related her first meeting with the prisoners at the pillar-box in St. John's Road the same evening. She stated that she had been in service at Eastbourne since 29th July, but had never spoken to Field and Gray before the 19th. She could not remember which of them asked if they might walk home with her. No names were mentioned, and she did not know who they were. She denied that there was a word of truth in their story that she had been with them at Pevensey on the Thursday afternoon and had ice-cream together. Elsie May Hawes and her sister-in-law, Jessie Hawes, stated that the previous August they were fellow-servants of Hilda Maud Baxter at Ravenhurst. On the 19th both witnesses had tea with her there, and she was not out during the afternoon.

Mrs. Munro's evidence was very brief. She stated that her daughter had never stayed out late at night, was particular about her associates, not fond of jewellery, and possessed none of any value. She always behaved well, and was neat and tidy. She discussed her work with her mother, but never brought her business friends home.

Archibald Thomas Darrington, the next witness, proved extremely damaging to the defence. He stated that when in Maidstone Prison on remand, charged with stealing a bicycle from outside the public library at Eastbourne, Gray spoke to him during exercise. He inquired where witness had been on the afternoon of 19th August, and whether he was at the circus. Gray then asked if Darrington would say that he had been at the circus with him, but, without directly refusing, Darrington answered that he was in trouble enough

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himself. On another occasion Gray made further suggestions to the witness regarding a possible alibi for the 19th, before they were cautioned by a warder for talking and separated. The evidence of two warders from the prison corroborated Darrington's story that there had been more than one illicit conversation during exercise between him and Gray.

A convict named William Smith stated that during the previous September he was at Maidstone Prison, serving a six months' sentence for theft. He admitted that he had several previous convictions. During his term of imprisonment he did not receive any letters and had no access to newspapers. Part of his work consisted of cleaning the landing outside his cell. Gray was in a cell along the same landing. Smith did not know why he was there, but Gray spoke to him through the grating across the cell doorway, and told him that he was "in for murder." Smith remarked that Gray was unlucky, and Gray went on to say: "But they cannot prove it. Though I was with the girl almost to the hour she died, that does not mean to say I done it." Various other conversations took place between Smith and Gray, Gray telling Smith that he was going to persuade another man (presumably Darrington) to say that he saw a sailor with the girl. He also gave Smith certain messages for "his mate" (Field), which Smith stated he did not deliver. On 25th September a warder suspected that Smith and Gray were communicating with one another, a practice strictly forbidden by the prison regulations, and it was stopped. Smith knew no particulars of the Crumbles murder, but stated that he asked Gray how it was done, and Gray answered: "By dropping a heavy stone on her." Smith inquired how Gray knew this, and Gray replied that he had seen the stone and it was "a tidy-sized one." Eventually Smith made a statement to a warder, and later to the Prison Governor. He was emphatic that he received no bribe such as a remission of sentence for doing this, and knew that, on the contrary, he might have found himself involved in serious trouble for his breach of the prison rules.

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The only witness for the defence was the accused Field. He stated that he was out of work since his discharge from the Navy, with the exception of four weeks' employment with the Eastbourne Electric Light Company, and in receipt of 29s. weekly from the Labour Exchange. He met Gray, who was likewise out of work, in June, 1920. His counsel then took Field through details of his movements on 17th, 18th, and 19th August. Field now recollects the two early visits paid by himself and Gray to the Albemarle, and stated that he thought Gray was wearing a blue serge suit and a trilby hat. As Miss Ducker refused Gray's invitation to the pictures, he and witness decided to go for a walk. Field now admitted that they took a bus from Leaf Hall to the Archery, and on alighting spoke to Blackmer, but averred that after Blackmer left them he and Gray went straight down Seaside towards Pevensey Bay. He denied that they met a girl at the Archery, or that any girl addressed him, saying "Hullo, Jack!" or was in the company of himself and Gray along the road. They did not go on the Crumbles, but walked to Pevensey Castle, stayed there about ten minutes, and returned to Eastbourne by bus from the Lodge Inn. They went to Gray's house, where witness remained till six o'clock. By arrangement he called for Gray again after he had had tea at his own home. Gray had "smartened himself up a bit" by brushing his clothes and washing himself, but "he did not look exactly respectable." Witness denied that Gray had changed his suit.

Shown a stick, Field admitted that it belonged to his father, but denied that he had had it out with him on any occasion on the 19th. He had ceased to carry it for a fortnight or three weeks previously. The conversation about a stick and biscuits for a dog took place as far back as three weeks before the 19th. He acknowledged that he and Gray had attempted to enlist on Saturday (21st). He gave as reasons that Gray's pension had been reduced, and he (witness) knew that his unemployment benefit would not continue indefinitely.

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He alleged that he had instituted inquiries about enlisting before the 21st. He and Gray first made Miss Baxter's acquaintance on Sunday evening (22nd). When they had been detained by the police and were waiting for Chief Inspector Mercer to interview them, Field alleged that a certain conversation took place between himself and Gray, which the constable in charge had not overheard. They agreed to say that Miss Baxter had been with them at Pevensey on the Thursday afternoon. Asked why they had picked out the afternoon, Field replied: "Because we saw in the paper that the murder was supposed to have been committed after lunch time, and that Miss Munro was seen about three o'clock, or a girl like Miss Munro, and therefore we knew it would have to be after three, and we knew we could prove where we were after six, and therefore we knew it would be between three and six that we should want to prove where we were."

In cross-examination Field again admitted the meeting with Blackmer, but once more denied the accosting of him (witness) by any girl at the Archery. He acknowledged that if Dyer saw and recognized Gray he must have been Gray's companion, but stated that the story of Putland and Wells was entirely false. He persisted in denying that Gray had changed his clothes that evening, although reminded that Gray himself had admitted at the inquest that he did so, and witness had heard him. Field denied a good deal of Miss Baxter's story and put up a good fight when confronted with certain discrepancies between his statement and Gray's, alleging that he had "forgotten" certain incidents. The only truth Field really uttered when in the witness-box was the alleged words put into his mouth afterwards by Gray: i.e., that he was telling lie from the moment he entered it till he left it.

Gray did not take advantage of his privilege of giving evidence on his own behalf. It would have been interesting to hear what explanation, other than a blunt and unsubstantiated denial, he had to offer to refute the statements of Darrington and Smith.

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XI.

On behalf of the prosecution Mr. Gill summed up the evidence briefly. Dealing with the defence's suggestion that the murder had been committed on the night of Thursday, counsel contended that proof of the deceased girl being seen walking towards the Crumbles with two men at 2-30 in the afternoon was overwhelming. Unless she was murdered during the afternoon, she would have returned to her lodgings. The episode of the stick was highly significant. One answering the description had been found at Field's home, and the witness who described it as in the possession of one of the two men walking with a girl knew nothing of its production earlier the same day at the Albemarle. Counsel then described the scene which he suggested occurred at the Crumbles. Whether the girl's money or her virtue was threatened, violence resulted, and when she had been stunned, the large stone produced in the case completed fatal injuries. Gray said the girl was killed by dropping a stone on her. "The prosecution is right," said Mr. Gill. "He knows."

Addressing the jury on behalf of Field, Mr. Cassel, maintained that the case against him rested purely on circumstantial evidence. The men at the railway-hut had not identified either of the men. Blackmer dressed Irene Munro in blue, Putland in a green coat with black accessories, and Wells in a hat which was not the one with her when her body was found. A pointed correction by the Judge was hurriedly answered, and counsel went on to allude to Wells's statement that Irene Munro was wearing a checked skirt and a black blouse. Were the jury to accept the impressions of witnesses in such a matter? It was difficult to conceive that the crime had been committed in broad daylight, in view of the railway-hut and the windows of adjacent cottages. If the jury accepted Dr. Cadman's evidence as to the time of death, there was an end to the prosecution's case. There was no evidence to support the Crown's theory that the girl was killed in resisting an assault. The theory that the same evening the

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two men were spending money stolen from Irene Munro's bag was unsupported, as their expenditure did not total 25s. There was no evidence that the accused endeavoured to persuade Miss Baxter to support them in a false alibi. They had not altered their mode of living after the 19th. Nobody saw them coming back from the Crumbles, and if they were seen going there they could have been seen returning. Mr. Cassels finally suggested that the murder took place later in the day than the prosecution had alleged.

Sir Edward Marshall Hall, speaking on Gray's behalf, contended that Irene Munro had been a pleasure-loving girl, fond of expensive entertainments, but ladylike, educated, and fastidious as to her choice of company. It was incredible that she should have made the acquaintance of two "down-and-outs" like the prisoners, and gone about with them. Turning to the medical evidence, counsel submitted that Dr. Cadman's opinion as to the time of death deserved careful consideration. If the murder had taken place in the afternoon, the girl's scream of fear and apprehension as she was struck in the face must have been audible for a great distance, as well as the noise made by shovelling the shingle over the body. Surely the crime was committed under cover of darkness, as corroborated by Dr. Cadman's view as to the time of death? Dealing with motive, Gray's remark that they would have more money in the evening might seem to infer that he and Field had arranged to rob and murder the girl they had met the previous day, but Irene Munro was not worth robbing. There was no evidence of assault, and none of concerted action or premeditation. The discrepancies between the evidence of witnesses as to the colour of the men's suits were stressed by counsel. He also said that as Field had appeared in the witness-box there was no necessity for Gray to give evidence. If Field were not believed by the jury, neither would Gray have been. If the jury could not accept the evidence put forward by the prosecution as conclusive, the accused were entitled to a verdict of "Not guilty."

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XII.

Mr. Justice Avory began his summing-up with the usual warning to the jury that they were to pay no attention to what they had heard or read in connexion with the case prior to the trial, but were to arrive at a verdict based solely on the evidence given in Court. With admirable, and possibly quite unconscious, alliteration, the Judge added: "I regret that such a warning in a Criminal Court of this country should be rendered necessary by the pernicious practice which prevails of pandering to the prurient proclivities of the public by publishing, pictorially or otherwise, the lurid details of a ghastly tragedy such as that which we are investigating."

Continuing, his Lordship said that both men were jointly charged with the wilful murder of Irene Munro on 19th August last. The joint charge meant that they were acting together, one aiding and abetting the other, and it was immaterial which man actually committed the violence that killed her. There could be no doubt that the girl was murdered, and that whoever murdered her took possession of her handbag, containing her money and keys, and threw the latter away. Could the jury have any doubt that if one of the accused was guilty both were? It had been admitted that they were in each other's company all that afternoon and evening. Where one went, the other went; each must have known what his companion did; and after the evidence given the jury must say whether they could doubt if guilt had been brought home to one, it had not been equally brought home to both.

Dealing with the question of motive, the Judge said that, subject to the jury's better judgment, it seemed to him to be immaterial. Whoever murdered the girl did it from some motive, either robbery, under a misapprehension that she was in possession of more money than turned out to be the case, or to combat her resistance to an attempted assault, as possibly evidenced by the scratches found inside her right thigh. It was unnecessary for the jury to decide how she was murdered,

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whether with a blow from a stick or a fist, the injuries being completed by the brick, the only way in which the stick became material being Field's denial that he had had any stick in his possession that afternoon. If they came to the conclusion that he had with him the stick produced in Court, or another as he walked towards the Crumbles, they must consider what inference was to be drawn from his denying this fact. It was not disputed that the prisoners, or certainly Field, were spending money freely later in the evening. The jury were advised not to pay too much attention to this as it was not disputed that Field had drawn 29s. in unemployment pay that morning. The prosecution had suggested that if the prisoner had killed the girl and stolen her bag then they would have been in possession of money that evening, but the amount expended by them was not more than Field had had earlier in the day without the contents of Irene Munro's purse. For that reason it seemed to his Lordship to be a small matter.

After explaining fully the meaning of the term "circumstantial evidence," the Judge turned to the time factor in the case. The result of the medical evidence, into which his Lordship did not propose to go in detail, was that everything was consistent with death having taken place in the afternoon of the 19th. The jury should ask themselves the question whether the prisoners on the 24th, the Tuesday following the murder, arranged between themselves to set up a false alibi for the afternoon of the 19th, unless they knew that the murder had been committed then. Sir Edward Marshall Hall, in his speech on behalf of Gray, had drawn the jury's attention to certain statements in a newspaper published the previous day and alleged that these explained why the prisoners feared arrest. It was significant, the Judge went on, if they had obtained the information which alarmed them from this same newspaper, that in more than one place it suggested that the crime took place at night. How did it come about that, as Field had told them, they prepared a false alibi for the afternoon unless they knew that the crime was committed in the afternoon?

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After dealing with the general outline of the case as presented by the prosecution, the Judge reminded the jury of Gray's change of clothes, and the attempt of Field and himself to enlist directly news of the finding of the body was made public. They need not necessarily have given their own names and addresses, the Judge pointed out, as a great many men would never have been accepted in the Army had they not furnished false particulars about themselves. Referring to the defence's suggestion that it was incredible that men who had just committed such a crime could calmly embark on an acquaintance with another girl the same evening and arrange to meet her again, and to continue their ordinary mode of living for days afterwards, the Judge asked the jury to reflect whether a man or men capable of committing an act such as this one would not be capable of anything.

In dealing directly with the evidence, the Judge touched upon the main outlines of Miss Ducker's story. He stressed the fact that Field admitted that he sometimes carried a stick similar to the one produced in Court, but that it was the property of his father. This was of importance, as if it had any connexion with the murder the natural thing would have been for him to attempt to get rid of it. Suspicion might have been aroused when his father inquired for it, which was probably why he did not throw it away. The statements of Blackmer, Verrall, Dyer, and Jupp could be relied upon to prove that at about three o'clock the two prisoners were seen walking towards the Crumbles with a girl, and the jury had to consider was she the deceased one? If she were not, why did they—or one of them—now swear that they were never in the company of any girl at all that afternoon?

Alluding to the descriptions given by the different witnesses of what the girl they saw was wearing, the Judge suggested that men of their type would not necessarily be good judges of a woman's clothes. The dress which Blackmer called a blue one was not inconsistent with its being the grey coat-frock produced in Court. Verrall had said that the men he saw with Irene Munro both wore grey suits. Evidence

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had been called to show that Gray undoubtedly had a light grey suit, and Field's suit might have been called a dark or grey coat and trousers.

The evidence of Putland and Wells was fully dealt with, the Judge warmly repudiating defending counsel's earlier suggestion that Putland was a discreditable witness because he might have had blackmail in his mind as a motive for following the people he saw. The evidence of the five railwaymen was next gone into briefly as establishing the identity of the men they saw with Irene Munro. The Judge then described Field and Gray as men of plausible manners and address, possessed of enough money for amusement, and in the habit of entering into conversation with girls along the Parade at Eastbourne. Irene Munro was a typist on holiday, in a humble position of life, and although the picture of her drawn by the defence as a particular girl regarding her associates, and quiet and refined, might be true, his Lordship thought it not unlikely that, alone in a strange place, she might, for the sake of companionship, have allowed these men to make her acquaintance. When in the witness-box, Field had boasted of his politeness to everyone, and was quite capable of being agreeable to a solitary young girl. Could the jury feel any doubt, having regard to all the evidence, that she was in the prisoners' company on the 19th and on the previous day as well?

Finally, the Judge dealt minutely with Field's statement and his evidence on his own behalf. Miss Baxter's story contradicted Field's. Why should both men have anticipated arrest merely because they wore grey suits? Why did Field persist in saying that Gray had not changed his clothes on the evening of the 19th, although Gray admitted at the inquest that he did so, when Miss Ducker stated the same? With regard to Gray's statement, there need not necessarily have been any great amount of blood upon the person of whoever committed the crime, but there might have been some, and a person scraping the shingle would very likely get his suit soiled. That might be a sufficient reason for Gray

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changing his clothes, but why did Field persist on oath that Gray had not done so? Referring to the evidence of Darrington and Smith, the Judge stressed its significance, and reminded the jury that because these were not men of good character it did not necessarily mean that their word must be unworthy of credence.

XIII.

The jury retired at four minutes past two and returned into Court at seven minutes past three. In answer to the question of the Clerk of Court, their foreman said that they were agreed upon their verdict. They found both prisoners guilty, but—an inexplicable and amazing sidelight upon the mentality of a British jury—they asked that the men might be recommended to mercy on the ground that the jury were of opinion that the crime was not premeditated. Neither man had anything to say in mitigation of sentence, and Mr. Justice Avory immediately dealt faithfully with both. They stood convicted of a foul and brutal murder. The defence which they had concocted had been shown to be untrue. They must prepare themselves to undergo the penalty exacted by the law. The recommendation to mercy would be forwarded to the proper quarter and would receive due consideration. Formal sentence of death was then passed in each case, the Judge directing that it should be carried out at Wandsworth Prison.

Field and Gray were at once taken below. In order to substantiate or deny Gray's subsequent story as to what, he alleged, took place shortly between himself and Field, it is necessary to follow very carefully the incidents of their removal to Wandsworth, as testified to by other witnesses. Both men remained in two separate cells, each under the charge of warders. When the time came for their removal, Gray, with his guards, was taken in a cab to Lewes Railway Station, and Field, similarly escorted, followed in another cab. There was no opportunity for any conversation between the two men.

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The warders had received orders to keep them apart, and did so. Gray and his companions arrived first at the station; Field, with his, a few seconds later. The whole party went direct to the stationmaster's office, there to await the London train. Field and Gray sat on two chairs, with another piece of furniture between them, and one of the warders in charge of Field sat close beside him. The only remark made by Gray that this warder overheard was a request for a cigarette. This was allowed to both men, and Field then said to Gray: "Isn't it a treat to get a cigarette?" and Gray agreed. The alleged conversation between Field and Gray took place, the latter averred, "in bits," but the warders in charge, who never left the prisoners the whole time, heard nothing of it.

On 29th December Gray informed the Deputy Governor of Wandsworth that he wished to make a statement. As Gray could not read or write, this was written down for him at his dictation by the Deputy Governor and after Gray had signed it (presumably by affixing his mark), the Deputy Governor and the Chief Warder both witnessed it. On 4th January Field said that he also wished to make a statement, and was allowed to do so. Three days later Field's statement was given to Gray, and read over to him by the Deputy Governor, as well as statements made by the warders who had accompanied the two men from the Assize Court to Wandsworth. Gray seemed to understand the purport of all these documents, but made no comment. Field was likewise shown a copy of Gray's statement. On the 13th January both men sent in a petition to the Home Secretary, intimating that they wished to appeal against their convictions and sentences.

XIV.

The appeals were heard jointly by the Court of Criminal Appeal on Monday and Tuesday, 17th and 18th January, before the Lord Chief Justice (Lord Reading), Mr. Justice Bray, and Mr. Justice Acton. Mr. Cassels appeared for Field, Sir Edward Marshall Hall, K.C., and Mr. Flowers for Gray,

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and Sir Charles Gill, K.C., and Mr. Whiteley for the Crown. Mr. Cassels said that the case of Field came before the Court (1) on appeal by the man himself; (2) on an application by counsel on the appellant's behalf to call further evidence; and (3) on reference by the Home Secretary upon a petition presented by the appellant for mercy. Sir Edward Marshall Hall also made application that Gray should be allowed to appear in the witness-box. Sir Charles Gill said the Crown was prepared to deal with the evidence, if it were given, and he raised no objection. The Lord Chief Justice stated that before they came to any decision as to the other witnesses they would hear the evidence of the appellants themselves.

Field was heard first. Examined by his counsel, he stated that on Tuesday, 17th August, he met Gray early in the forenoon, and they walked along the sea-front. On the way back they saw a girl evidently looking for something. Gray wished her "Good morning," but received no reply. Later, Gray boasted to Field that he would speak to and walk with her before the day was out. During the afternoon they met her near the Albemarle Hotel, and when Gray again accosted her she stopped and spoke to them. He asked her where she was going, and she answered: "For a walk." The three went together to Beachy Head, remaining there till it was nearly dark. They parted at Eastbourne Railway Station, where the girl caught a bus, after having arranged to meet them again next day at the Archery Tavern. On Wednesday, 18th August, Field and Gray met in the morning and spent it on the sea-front. After lunch they rejoined each other at the Albemarle and went by bus to the Archery, where they met the girl. The trio walked to Pevensey Bay. Field alleged that on the way the girl seemed to resent his being there, and would have preferred the company of Gray. He tried to be pleasant to her and considered that he succeeded just as they were returning. Gray and he left her about six o'clock, after arranging to meet again as before at the Archery the following afternoon.

Field stated that on the Thursday morning (19th August) he went first to the Labour Exchange and drew his unemploy-

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ment benefit of 29s. He then met Gray, and after having coffee, for which Field paid, on the Parade, they went to the Albemarle at mid-day. They remained till 1-15, Field paying for the refreshment they had. Outside they parted, Gray returning home for dinner, and Field going to a restaurant for his. Afterwards Field called for Gray at his house, and they boarded a bus going to the Archery. Field noticed an official on it who was wearing a new uniform, and when they alighted he drew the man's attention to this. Just then the girl crossed the road and called out to witness: "Hullo, Jack!" The three walked to the Crumbles and went on to the railway-line. Field stated that he was on the girl's left-hand side and at the time did not know her name. They passed the railway-hut. He picked up a stray kitten which the girl stroked. Field alleged that it was he who put the kitten in at the door of the hut, not Gray, who was walking in front of him with the girl, either arm-in-arm, or with his arm round her waist. After passing the hut, Gray hinted that he should prefer Field to leave them, and Field asked the girl whether she would object if he did, as he wanted a good walk. The girl replied that she did not mind, and he left her and Gray alone and walked on to the gates of Pevensey Castle. He came back by the road, and towards Pevensey Bay he met Gray by himself. Field asked him where the girl was, and Gray alleged that they had quarrelled and she had gone home. He and Field walked to the Lodge Inn where they boarded an Eastbourne bus. Gray paid the fares, which puzzled Field, as he himself had done so previously and stood drinks. Questioned, Gray said that he had had the money all the time.

Afterwards Field returned home, and later in the evening he and Gray went to the Albemarle. Here Gray paid for drinks for the two barmaids. When Field asked him where he had obtained the money, Gray replied: "Shut up and mind your own business! I'm paying for the drinks and that is all that concerns you." The two went to the Hippodrome, left it for another visit to the Albemarle, and then returned to the Hippodrome. They did not meet Miss Baxter that night.

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Gray was in Field's company the whole time until they parted outside the Hippodrome at 10-50. Field reached his house at eleven o'clock and did not go out again that night. He and his brother slept together. His family were at home, his mother having just returned from London.

On Friday Field was about with Gray. They visited the Albemarle and a couple of picture-houses. On Saturday Field left his home about 9 a.m. and saw on the placards that a dead body had been found on the Crumbles. He bought a paper and took it round to Gray's house. As Gray could not read, Field read the account aloud to him. Gray became excited and said that he had been with the girl on Thursday evening, that she said something he did not like, and he had kicked her. She was lying on the beach at the time, and frightened, he covered her over with shingle. Had Field not left them, it would not have happened. He begged Field to say nothing for the sake of his (Gray's) wife, adding that it might "blow over." Field promised to do his best and if Gray were arrested agreed to say that they had been at Pevensey together. The suggestion of their enlisting came from Gray. Field further alleged that Gray promised to stand by him and if Field were involved in the matter he would clear him by telling the truth. They spent Saturday afternoon and evening together, and were in each other's company all Sunday. Gray seemed agitated and imagined that people were staring at him. In the afternoon they met Miss Baxter and discussed the murder. Gray told her that he and Field might be arrested as they both had grey suits, and Miss Baxter said that in that event she would tell the police that they were with her at Pevensey on the 19th. Field told Gray that this would be found sooner or later to be untrue, but Gray insisted that if arrested he would say that he had been with Miss Baxter all the afternoon.

Field further stated that Gray's statement that he was with him (witness) at Pevensey on 19th August was not true. His evidence at the trial was also false. He and Gray had no conversation whilst waiting in the station-master's office at Lewes Station, after their conviction and sentence. Field main-

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tained that he had stood by Gray to the end, but when he made his statement on 4th January he thought for the sake of his parents that he ought to say what actually happened. What he put in this statement was true.

Cross-examined by Sir Edward Marshall Hall, Field said that the statement was in his handwriting, and no one had prompted the contents. Gray did not tell him that he had killed Irene Munro. He said that he had hit her and covered her with beach. Field did not understand whether she had died from Gray's attack upon her or been smothered by the shingle. He put great faith in Gray's promise that if he (Field) were involved in the crime Gray would confess the truth. Asked why he did not mention this promise in his statement of 4th January, Field replied that "he did not think about it." He now admitted that practically the whole of the evidence called by the prosecution regarding his identity was true.

Cross-examined by Sir Charles Gill, Field alleged that on the afternoon of the 19th Gray was wearing a blue serge suit, and in the evening a grey one. He heard four witnesses who saw the three pass the hut say that the shorter man of the two was walking linked with the girl, but alleged that he had never worn a blue serge suit in his life, and that it was he, not Gray, who put the kitten in at the hut door. He denied that he struck the girl when she resented his attempting to take liberties with her. Asked why they had taken Irene Munro to the Crumbles, Field answered that she wanted a walk, and herself suggested going there. Gray told witness that he had struck her almost immediately after Field had left them. He understood that Gray had buried her alive. When he went off, he told Gray that he was going to Pevensey. He did not hear Gray say in the Albemarle that they would have more money that night. Gray apparently had none when he went on the Crumbles, but had some when he came off. Field concluded that he had robbed the girl whom he attacked and buried. Field stood by him afterwards because they were friends and for the sake of Gray's wife. When

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they attempted to enlist, Field knew that he would not be accepted. Pressed by the Lord Chief Justice for the reason, Field said that he had been discharged from the Navy, and the cause for this was stated on his papers.

In continued cross-examination by Sir Charles Gill, Field admitted that on Saturday morning he and Gray arranged their false alibi for Thursday afternoon. His early statement that he and Gray were with Miss Baxter then was untrue. When a verdict of "Wilful murder" was returned against both at the inquest, Field did not call upon Gray to clear him because "I was told by my solicitor that the Coroner's inquest did not matter." When the verdict was given at the trial, Field relied upon the recommendation to mercy and "was not going to give Gray away then." Asked why when he sent in his appeal, which disclosed no grounds in substance, he had not made a true statement, Field replied: "I thought the appeal would go through and we should get off." In answer to the Lord Chief Justice, Field admitted that, although Gray acknowledged that he had struck the girl into unconsciousness and buried her possibly alive, he himself continued on intimate terms with Gray. Gray's wife had asked him (Field) to associate with her husband as he had no other men friends. Field was willing, if both were reprieved, to go to penal servitude in order that Gray might ultimately rejoin his wife. Field was not related to her in any way.

Gray gave evidence next. Examined by Sir Edward Marshall Hall, he stated that on the morning of the 19th August he met Field at ten o'clock and remained with him till 12-30. They visited the Albemarle together. Gray had a mid-day meal at his own house, and Field called for him there at two o'clock. They returned to the Albemarle, remaining for half-an-hour. Field then suggested that he and Gray should go to Pevensey Castle. Gray alleged that he refused as he had no money and did not like to be indebted to Field for the bus-fares. He left Field at 2-30 and returned home, reaching it at 2-45. He did not see Field again until 6-40,

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when Field called at his house. They visited the Hippodrome together and were in each other's company till 10-30. It was untrue that he confessed to Field that he had struck and buried Irene Munro. He was not with her at all on Thursday afternoon. He knew nothing about the girl's death. After being sentenced, he was taken to the cells and then to Lewes Railway Station. Gray then repeated the story contained in his statement of 29th December which was, briefly, that whilst waiting for the train between 4-45 and 6-11 Field confessed to him that after he and Gray parted at 10-30 on the night of 19th August Irene Munro came up and asked him her way. According to Gray, Field admitted that he and the girl walked some distance together in conversation, that something he said displeased her, and she slapped his face. He saw nobody about and struck her. He left her lying unconscious, and walked away, but fearing that she might recover and report him to the police, he returned and "gave her another hit," which "put her right out." Gray alleged that Field promised to tell the Prison Governor that he was innocent, and if this did not free Gray, Field would communicate with *John Bull* and say that Gray had had nothing to do with the murder. In his notice of appeal Gray had made no mention of this conversation, but on 29th December his statement was written down for him.

Cross-examined by Mr. Cassels, Gray stated that before this alleged confession on 17th December Field had never promised to say anything to exculpate himself. Asked why he did not say that he was at his home on the afternoon of the 19th, Gray replied at first: "Because Field said that we were at Pevensey," but, on being pressed, alleged that he had "kept quiet" on account of having committed a theft during the material time about which the police knew. He had been at the Eastbourne swimming-baths by himself on the 19th, remaining from 3-15 till four. Whilst there he stole a wallet containing money from another bather's box. Reminded by Mr. Cassels that this robbery had taken place on the 14th, Gray replied that this was a second theft, committed on the

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19th. He was the thief on both occasions, and had been alone each time.

Further cross-examined, Gray denied that he was at the Archery with Field on the Thursday afternoon. He had never walked with Field towards the Crumbles. All the witnesses were wrong who said that they saw him doing so. He was wearing a navy blue suit and a brown round cap. He paid for the drinks on the night of the 19th with the money stolen from the swimming-baths. According to the way Field spoke to him, the murder was committed at night. Cross-examined by Sir Charles Gill, Gray maintained that he was at the swimming-baths from 3-15 till four, after which he went home.

Four warders—Robert William O'Callaghan, Henry Jackson, Arthur Sargent, and Samuel Percy Johnson—gave evidence of events in the station-master's office after the Assize trial. All were agreed that there was no conversation between the condemned men. Gray asked for a cigarette, and he and Field were allowed to smoke by permission of the Prison Governor.

Herbert Field, examined by Mr. Cassels, stated that the previous August he was living at 23 Susans Road, Eastbourne. On the night of the 19th he slept at home. He came in about eleven o'clock and found his brother Jack having supper. His brother did not go out again that night, or get up during it. They went to bed between 11-30 and 11-45.

Mrs. Field, mother of the last witness, corroborated his statement. Examined by Mr. Cassels, she said that on 19th August about seven in the evening she returned from a five days' visit to London. Her son Jack was then out, but came home shortly before eleven o'clock. Both her sons slept in the kitchen. She left them there at 11-30 and heard nobody leave the house during the night.

James Woolgar, an attendant at the Devonshire Park Swimming-baths at Eastbourne, examined by Sir Charles Gill, stated that he knew both prisoners. They had been together at the baths on the morning of 14th August. Between 12-30 and 12-45 a bather named Saunders complained that his wallet

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had been stolen, and the police were communicated with. The witness was suspicious of Field and Gray, as he knew that both were out of work, and when they came to the baths on the 17th at 10-30 a.m. Woolgar informed the police and the two men were kept under observation. This was the last time they visited the baths. Gray was not there on the afternoon of the 19th, nor was any theft reported on that date.

Mr. Cassels's address on behalf of Field ended the first day's proceedings. At the second and concluding day's hearing of the appeals Sir Edward Marshall Hall spoke on behalf of Gray. The Lord Chief Justice then delivered the judgment of the Court. In the unanimous opinion of the three judges who heard the fresh evidence, each man had merely concocted an improbable story throwing the responsibility for the crime on the other, and their stories had been amply disproved by the statements of additional witnesses. Both appeals were unhesitatingly dismissed.

XV.

On Friday, 4th February, 1921, the last grim scene in the Crumbles tragedy of nearly six months previously was enacted at Wandsworth. Between the appeals and the double execution Field and Gray had been kept in separate cells and only saw each other again just as they approached the scaffold. Neither made any confession, but a curious light is shown on the mentality of certain people who take an interest in sensational crimes by a message left by both men to the effect that they wished to express their gratitude for letters and expressions of sympathy sent to them whilst awaiting execution. It is a little difficult to see what sympathy was required or deserved by the two brutal slayers of a defenceless girl of seventeen however misguided she may have been, but as the Lancashire proverb has it: "There's nowt so queer as folk."

Irene Munro's story might well be called "A Warning to Wantons." The girl's incredible folly at first detracts from

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any sympathy felt for her. In defence of it one can only plead her youth, her early years overshadowed by the war, the emancipation which women were just then beginning to experience and enjoy, her loneliness in a strange place, and her undoubted weakness for the opposite sex. Certain medical pronouncements proved that she must have been over-sexed and slightly abnormal. There is no evidence, beyond Field's before the Court of Criminal Appeal, to show how she actually came into contact with her two destroyers, but in all likelihood he spoke the truth for once when he said that Gray accosted her on the Tuesday afternoon and she responded. Of the ultimate guilt of both men there cannot be the faintest doubt, but how far murder, deliberate, calculated, cold-blooded, entered into their propositions when they first sought her company remains an enigma. If they surmised that she carried money in her handbag and purposed to rob her of it, why did they not do so when alone with her in the late evening on two occasions, first at Beachy Head and again at Pevensey? On the 19th they voluntarily drew Blackmer's attention to themselves a few seconds before she crossed the road to speak to them. If they had had any sinister motive in taking her to the Crumbles, why did they choose broad daylight of an August afternoon for their purpose? The girl's condition at the time precluded her having any immoral intention in her mind, supposing that she, a stranger to Eastbourne, knew of the reputation of the place to which she was going, and the fact that she went with two men exculpates her further. In all likelihood an attempt was made to snatch her handbag, and when she resisted or threatened police retaliation, one or other struck her with the stick carried by Field. Whose was the hand which lifted the iron-stone brick and dashed it down on her unconscious, unprotected face cannot be stated with certainty, but of the pair of callous scamps Gray emerges from the maze of evidence as the more brutal, and in all probability his rage overmastered prudence, common sense, consequences. The sea lapped in the distance; the sun beat down on the long expanse of beach, as two men with frantic haste

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shovelled the loose shingle over the green coat that clothed their still living victim before running from the spot. Chance plays a large part in the detection of murder. If they had stayed to bury her a little deeper that betraying foot would not have told of a dastardly crime, and Irene Munro might have lain in her shingly grave, none suspecting, until all danger to her slayers was past.

The murderer's victim seldom takes on any personality. He or she as a rule remains shadowy, vague, unreal, a peg on which to hang the story. Irene Munro, dead eighteen years, continues curiously vital and alive, a little ghost in a green coat, laughing as she walks to her doom. Fate took her to Eastbourne, and there Fate threw Field and Gray across her path. On that ill-omened Thursday afternoon it may well be asked, as it was of Hardy's doomed Tess, where was her guardian angel? "Perhaps, like that other god of whom the ironical Tishbite spoke, he was talking, or he was pursuing, or he was on a journey, or peradventure he was sleeping and not to be awaked." If she had again ignored Gray when he tried the second time to make her acquaintance, or if Putland and Wells had gone a little farther after the trio, the tragedy which overtook all of them might perhaps never have been. Irene Munro, the born murderee, in a sense brought her fate upon herself, and like Webster's ill-starred duchess, she died young.

Leading Dates in the Field and Gray Case.

1920.	
16th August	Irene Violet Munro goes on holiday to Eastbourne.
17th August.	Putland says he saw a girl lying on the beach near the aeroplane shed, and that she had a green coat on like the one produced.
18th August	Putland says he saw the same girl in the company of the two men walking towards the Crumbles
19th August.	Irene Munro meets her death on the Crumbles some time in the afternoon or evening
Between 12 and 1 p.m.	Field and Gray are in the Albemarle Hotel, Gray wearing a grey suit and a trilby hat, and Field a dark grey suit and cap and brown shoes.
2.20 to 2.30 p.m.	Field and Gray are back at the Albemarle Hotel.
2.30 to 3 p.m.	Dyer sees Gray (whom he knew) and a young man with a young lady going towards the Crumbles.
2.45 p.m.	Field and Gray are seen by the witness Blackmer near the Archery Tavern meeting a girl who says, "Hallo, Jack"; they are also seen about the same time by Putland and Wells, who follow them for some distance.
About 3 p.m.	Irene Munro is seen by Rogers and Verrall leaving the house at 393 Seaside, returning to the house for her coat and leaving the house again. Verrall sees her with two men, going towards the Crumbles
	Railway employees speak to seeing Irene Munro in company with two men walking on the four-footway in the direction of the Crumbles
6.20 to 6.30 p.m.	Field and Gray return to the Albemarle, when Miss Ducker said to Gray, "How dirty you look, Billy," to which he replied, "Yes, my friend pushed me in the water this afternoon when we were on the beach and I could not get my clothes dry by six o'clock"; and Miss Ducker swears that he had on a different suit, a dark suit, a dark cap, and dirty boots
Between 8 and 9 p.m.	Field and Gray meet Hilda Maud Baxter going to post a letter
20th August.	Putland says he saw the same two men talking to some girls in Victoria Place, Eastbourne.
Between 3 and 4 p.m.	William Weller (aged thirteen years) trips over what he discovers to be a human foot in a hollow in the Crumbles

Field and Gray.

1920.

20th August.

About 6 p m.

William Weller goes with Clement James Lamb and points out the spot where he found the body. The police are notified and Dr Cadrian is called and examines the body

21st August.

Between 6 and 8 a.m.

Newspaper placards first appear making known the discovery of the body of Irene Munro

Between 9 a.m. and 12 noon.

Field and Gray try to enlist at Summerdown Camp. Post-mortem examination at Eastbourne.

22nd August.

Field and Gray again meet Hilda Baxter in the evening

23rd August

Wells makes a statement to the police.

Putland joins his ship and thereafter makes a statement

Field and Gray again meet Hilda Baxter in the afternoon and go for a walk; and again the same evening, when they talk about Pevensey

24th August.

Wells goes on to the Parade at the direction of the police and sees Field and Gray again talking to girls. They are taken to the police station where Detective Inspector Wells says, "I expect you wonder why I have brought you here," and Field replies, "We have been expecting this, as we both have been wearing grey suits"

Field and Gray make statements to Inspector Mercer.

26th August.

Field and Gray are released from custody and again appear at the Albemarle

30th August.

Gray makes statement to Grayling at the Pier Hotel in which he says, "I shall be getting into trouble with him," pointing to Field

4th September.

Putland identifies Field at a coffee stall.

Field and Gray are again taken into custody at Eastbourne

5th September.

Field and Gray conveyed to Hailsham and charged

6th September.

Field and Gray appear before the Eastbourne Magistrates and are remanded until the 9th.

9th September.

Field and Gray again appear before the Eastbourne Magistrates and are remanded until the 16th.

16th September.

Field and Gray are taken before the Hailsham Magistrates, when Field makes a statement. They are remanded until the 23rd.

11th to 17th September.

Gray makes statement to a prisoner Darrington, in which he asks Darrington to say that he was at the circus with Gray on the evening of the crime

Leading Dates.

1920

11th to 17th September.	Gray makes statement to a prisoner Smith in which he says, "I am in for murder . . . But they cannot prove it Though I was with the girl almost to the hour she died, that does not mean to say I done it" And on another occasion Smith asked him how the murder was done, and Gray replied, "By dropping a stone on her . . I have seen the stone"
23rd September.	Field and Gray again appear before the Hailsham Magistrates and are remanded until the 28th.
28th September.	Field and Gray committed for trial.
13th December.	The trial opens.
17th December.	The summing-up, verdict and sentence
1921.	
17th January.	Appeal opens. Field and Gray give evidence.
18th January.	Appeal dismissed.
4th February.	Field and Gray hanged.

THE TRIAL
WITHIN THE
COUNTY HALL, LEWES,
(SUSSEX AUTUMN ASSIZES),
MONDAY, 13TH DECEMBER, 1920.

Judge—
MR. JUSTICE AVORY.

Counsel for the Crown—

Mr. C. F. GILL, K.C.
Mr. CURTIS BENNETT, K.C., and
Mr. CECIL WHITELEY.

(Instructed by the Director of Public Prosecutions.)

Counsel for the Prisoners—

Mr. J. D. CASSELS, and
Mr. G. P. ROBINSON, for Jack Alfred Field.

(Instructed by Messrs. Brennan & Brennan)

Sir EDWARD MARSHALL HALL, K.C., and
Mr. JOHN FLOWERS, for William Thomas Gray.

(Instructed by Mr. H. Baron.)

THE CLERK OF ASSIZE—Gentlemen of the jury, the two prisoners at the bar, Jack Alfred Field and William Thomas Gray, stand charged upon this Indictment, and upon the Coroner's Inquisition, with having, on the 19th day of August in the present year, at Westham in this County, murdered Irene Violet Munro. To this Indictment and to this Inquisition they have severally pleaded not guilty. Your duty is to say whether they, or either of them, be guilty or not, and hearken to the evidence

Opening Speech for the Prosecution.

MR. GILL, in opening the case, said that Field had been in the Navy and seemed to have been discharged the previous February. Gray, formerly a plate-layer, came to this country with the South African Heavy Artillery, and was in the Army until October, 1917, when he was discharged as physically unfit. Since leaving the Services, the two men had lived at Eastbourne, the one in Susans Road and the other in Longstone Road, which were close to each other.

Referring to the discussion and comment which the case had excited in the press, Mr. Gill reminded the jury that they must dismiss from their minds anything they had read or heard, and deal only with the case on the evidence put before them.

Irene Munro, he went on, was undoubtedly murdered. She was just under eighteen years of age at the time of her death, and was the only child of Mrs. Munro, who was in a somewhat humble position in life, being housekeeper for some people in South Kensington, who had allowed her daughter to live with her. The girl had been earning her living for more than a year, and was employed by a firm in London as a shorthand-typist at about £2 8s. a week. On 14th August Mrs. Munro went to Scotland and the girl saw her off. On the 16th Irene went down to Eastbourne for a fortnight's holiday, taking lodgings with a Mrs. Wynnatt in Seaside, Eastbourne. The girl was poorly dressed, but it was apparent that she had in her possession enough money to pay for a holiday. On 19th August she was heard by her landlady to go out in the afternoon and to return. The girl went out again soon afterwards, at about 2-45, and never returned. On the following day Mrs. Wynnatt saw the dead body of Irene Munro at the mortuary. She had been murdered on the day when she left Mrs. Wynnatt's house.

Field and Gray.

Mr Gill

On 20th August, a Friday, a lad named William Weller and his mother, who were spending a holiday at Eastbourne, happened to be on the Crumbles, a stretch of shingle about 2 miles in length running from Eastbourne to Pevensey. At the Eastbourne end it was about half a mile in width, but it widened to about a mile at Langley Place. The boy, at a spot about 600 yards from a railway-hut, seemed to have left his mother and gone into a kind of pit in the shingle. Passing across the pit, he broke the shingle and disclosed a human foot. The lad told his mother, who returned to her lodgings and told Mr. Lamb, with whom she was staying. Mr. Lamb, with the boy and his mother, went to the spot, and, moving back the shingle, found the body of Irene Munro. Her hat was over her face, and, on removing the hat, Mr. Lamb saw that the girl had been the subject of terrible violence. He also discovered a large iron-stone brick, on which there were marks of blood, near the body. He at once sent the boy for the police. The iron-stone brick was probably used for keeping the screen in position by men screening for fine gravel among the shingle. The spot was about $1\frac{1}{2}$ miles from Seaside, where the dead girl had lodged, and an inspector of the Eastbourne Police would describe the condition of affairs he found there. Mr. Lamb had been very sensible. Seeing that the case was one of violence, he did not remove the shingle any further from the body, and the iron-stone brick remained where it was found. The left arm of the body was fully extended and the head was bent forward on the arm. The skirt was folded back so that the right thigh was exposed. That was a matter on which he would make further observations at a later stage.

It was found at the post-mortem examination that the girl's lower jaw had been broken; there was an extensive fracture of the upper jaw; several teeth had been broken; and there was a wound in the lip and a wound on the right temple. The last-named might have been, and probably was, a separate injury. Apparently the injuries to the left side of the face were so severe, and the force used was so great, that if the right side of the face had been lying on the shingle at the time the left side was struck that would account for the injury on the right side of the face. The post-mortem examination also disclosed that the condition in which the body was found was consistent with death having occurred on the afternoon of the 19th, or even earlier.

Mr. Gill indicated that the girl was not a virgin, and added that it appeared that the girl was stunned, and that the iron-stone brick was dropped on the left side of her face, thus proving to be fatal. The violence would be only a matter of a few moments. Her body could have been buried quite quickly in the shingle, especially if two people were doing it.

Opening Speech for the Prosecution.

Mr Gill

On the morning after the discovery, Inspector Mercer, of Scotland Yard, got into touch with witnesses who had spoken to seeing the girl, accompanied by two men, going towards the Crumbles sometime about 3-30. The case for the prosecution, Mr. Gill said, was that the two accused on that afternoon of 19th August took the girl from close outside 393 Seaside where she was living; they met her between 2-45 and three o'clock, and they took her to the spot where she was murdered. They were the people who were with her at the time of her death, which was equivalent to saying that they were the persons who inflicted the violence on her which was the cause of her death.

The evidence that would be given, the Crown suggested, could not be the subject of a mistake. It would be found to be corroborated in so remarkable a manner as to carry conviction in the mind of any person who applied his faculties to the consideration of the value of the evidence.

Referring to the meetings of the accused in a public-house known as the Albemarle at Eastbourne, Mr. Gill said that two barmaids, named Dorothy Ducker and Elsie Finley, employed there would show that the two accused had been going together to the house for a fortnight, and it would be found throughout the case that they were continually in each other's company. The only names by which the men were known to the two barmaids were Jack and Billy. On the morning of 19th August the accused were in the Albemarle from twelve o'clock till one, Gray being dressed in an unmistakable dark grey suit and trilby hat, while Field wore a dark suit and cap. Gray had in his hand a stick, which he had probably taken from Field. He said to one of the barmaids, as a joke: "Dolly, can you give me a biscuit for my dog?" "Where is your dog?" she asked, and he held up the stick, which had a bulldog's head on it. The accused went away, returned at two o'clock, and remained until closing time at 2-30. They said they would return soon after six, and one of them asked the girl Ducker to go with him to the Hippodrome. Gray had been paying some attentions to Ducker, but she did not accept them.

By one of those extraordinary coincidences by which evidence was sometimes obtained, the two men were seen on an omnibus by a conductor who knew them both quite well. He saw them get off at the Archery Tavern, and saw a girl come from a shelter and cross over to where the two men were. He heard her say to one of them, "Hullo, Jack!" The girl had no coat on and was carrying a little bag. The omnibus conductor had since identified a photograph of Irene Munro as that of the girl. At the girl's lodgings, a builder, named Rogers, who was working there, saw her come out that afternoon and turn in the direction

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Mr Gill

of the Archery Tavern. Another workman, who was with him, saw her return past the house, accompanied by two men. At that time she was talking and laughing. Farther along the road, in the direction of the Crumbles, a witness saw two men and a girl, and this witness recognized one of the men as Gray, whom he knew to be a married man. Still farther on, a labourer named Wells, and a stoker named Putland, saw the men and the girl and followed them. On getting to Ford Road the two men and the girl turned into the four-foot way of the railway-track and went in the direction of a railway-hut. Wells noticed that one of the men had a stick. A stray kitten had followed the two men and the girl. One of the three picked up the kitten and took it towards the hut. Men who were in the railway-hut would tell the jury that they saw the two men and the girl pass that hut. One of the two men was wearing dark clothes and the other was in a light suit. The men in the hut would say that they saw the three turn off to the right, which was in the direction of the place where the body was found. They were the last people who saw the girl alive.

The time could be fixed very closely. One of the men in the hut would state that the two men and the girl were the only people who passed the hut that afternoon. It appeared to have been, as near as possible, about 3-30 when the three passed the hut. The girl looked towards the hut and smiled. The three were in good spirits, laughing and talking, and so excited that one of the men in the hut had said he thought they had been drinking. If these were the two men who were seen with the girl at that time, Mr. Gill declared, they must be undoubtedly guilty of murder.

How did the murder happen? Nothing could be said. There might have been some proposal made, or something said to the girl which she resented, and it might be that, in a fit of passion, the girl was struck down. Whatever a girl's morality, in ordinary circumstances a girl might be a party to an act of immorality when in other circumstances she would not dream of it. The girl was struck down and stunned. Then it might be that, in alarm as to what might occur if she became conscious, the heavy stone was taken up and dropped on the girl's face, inflicting the fatal injuries. Such a thing would be done very quickly. Then there was the covering over of the body. That might have taken place after she had been stunned, and it might be she was pulled some distance so as to get her into the ditch. This might account for the shoe being dragged off the foot and for the skirt being in the position that it was, but it was very certain that it was at that spot that the blow was inflicted which caused the bleeding.

At 6-30 the same evening the two accused were again in the

Opening Speech for the Prosecution.

Mr. Gill

public bar at the Albemarle. They spent money freely, and one of them was in possession of a box of 25 Abdulla cigarettes. This caused one of the young women to remark, "Fancy you smoking such cigarettes as these," as though expressing astonishment that men who had been drinking cheap beer in the morning should be smoking expensive cigarettes in the evening. Gray's answer was, "Can't we have a good cigarette sometimes?" He then asked Miss Ducker and Miss Finley to have a drink, which they did.

Mr. Gill traced the movements of the two men on the Friday, and said that on the Saturday morning it was known that a body had been found on the previous night, and the jury could imagine what a sensation that would cause in a place like Eastbourne. On that morning, about 10-30, the accused were together at Summerdown Camp, about 2 miles from Eastbourne, trying to enlist. They were told they would have to go to Chichester, and that if they were not accepted their fares would be returned. The suggestion of the prosecution was that these two men were anticipating arrest, and were preparing a story they would tell as to where they were at the time of the murder, and arranging that there should be a girl who would come forward and clear them.

When detained by Inspector Mercer, each of the accused made a statement. Field said, "I have been expecting this, as we have both been wearing grey suits." Field added that he and Gray had walked to Pevensey that afternoon, and had there spoken to a young lady named Miss Baxter. They remained together until about four o'clock, and then returned home. In the evening, he said, he and Gray went to the Hippodrome together, and he denied that he had been to the Crumbles on that day. He declared that he was wearing a round straw hat, that he was not carrying a stick, and that he had no cat in his possession on that day.

Gray, in his statement, said that he was born in South Africa, that his parents were Scots, and that he and Field met a young lady whose surname he did not know but whose Christian name was Maud. Counsel had referred earlier in his speech to the two men having spoken to a young girl named Hilda Maud Baxter, and having asked if they might walk home with her. He said that, though the girl had seen the men walking along the Front, she had never spoken to them before, nor had they to her, and gave the time of the incident as subsequent to the men's visit to the Albemarle in the evening.

If these men had committed the murder, Mr. Gill continued, and if Field was right in saying that they were expecting something like arrest, they would feel that the important time to account for was between 3-30 and 4-30, and in both their statements the thing that stood out was that that was a matter on which they were both sound. They had agreed as to where they were and with

Field and Gray.

Mr Gill

whom they were. They both said they were at Pevensey Castle, and that they were in the company of Maud Baxter. No better answer was conceivable than that they should be able to say that they were 5 miles away from the place of the muider at the time when it was alleged to have been committed. But if the jury were satisfied that this answer was false, and not only false but concocted, that had an important bearing on the question of their guilt or innocence. If there was anything true in the statements at all, it was that they were together the whole day on the 19th; and if they were together on the whole of that day, they were together before the murder, at the time of the murder, and after the murder. And the prosecution said that they were together at the scene of the murder and that it was committed by them. If anyone for good reasons was able to identify Gray, then Field was with him. If for any reason Field was identified, then Gray was with him. If the case for the Crown was well founded, and if the witnesses were reliable witnesses, and the jury accepted their evidence, then the accused could not have told the truth about their movements on the day of the murder.

[When Mr. Gill reached this part of his address the illness of a jurymen was announced by Mr. Justice Avory.]

Mr. Gill, continuing his speech, repeated the essential parts, and then pointed out what he described as a striking fact concerning the statements of the two accused. The one fact, which was certain, was that they were determined to put forward that which was not true. The last statement of Gray was that he, on the day in question, was wearing a blue suit, and that he had been wearing a blue suit for a fortnight previously. There was a witness who would say that on the day in question Gray was wearing a grey suit.

Mr. Gill described the attitude of the accused towards Miss Baxter as that of educating the girl, leading up to the time when they might have to tell somebody their tale. They had to tell their story sooner than they anticipated. Having been released from detention, whom would it be thought that they would have gone to? Would it not have been Miss Baxter? Miss Baxter never saw anything of them from the time she saw them on the Monday night, and they were to her Billy and Jack White, so that she should have nothing to identify them by. The two girls at the Albemarle did not know them except as Billy and Jack.

Mr. Gill also pointed out that they had told a man named Grayson that they had been up that way, but that it was with another girl. During this time Inspector Mercer was getting into touch with witnesses who showed that the men could be traced

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Mr Gill

from place to place during the afternoon of the 19th. On the 30th a sailor named Putland, who had been with a man named Wells, and who had seen the girl with the men on the 19th, returned to his ship. He made a statement to his commanding officer and returned to Eastbourne. He saw the two accused at a coffee-stall on the beach and indicated them to the police as the men he had seen with the girl, and they were taken to the police station.

When charged, Field said, "I gave you my statement" Gray, when told at the police station that he would be charged with the wilful murder of Miss Munro, and that a sailor had identified him as having been with the girl, replied, "I spoke the honest truth the other day. If I didn't, may I be struck dead. I wish I had never come to England."

There was other evidence as to certain matters which took place at Maidstone Gaol. Gray, who was detained there, was in a cell, the entrance to which, instead of being a door, was an iron grating, and he had an excellent opportunity of speaking to anyone outside. There was also in the prison, on another floor, a prisoner named Darrington, who was afterwards sentenced for stealing bicycles. Darrington's evidence must be examined critically by the jury. Darrington would say that Gray had told him at exercise to say where he was on the afternoon of 19th August, and that he had told Gray that he had been at the circus. Gray asked him to say that he had been at the circus with him, but Darrington had replied that he had trouble of his own. It was for the jury to consider whether they could accept that evidence, but he submitted that they could not regard it lightly. His theory was that Gray could no longer rely on the Baxter story, and had to establish an answer to a thing which could no longer be answered in any other way. Darrington's story was to some extent corroborated by a warder whose attention was attracted to the speaking of these men.

The evidence of another man named Smith was of a more serious character. He was a man convicted of dishonesty. The jury would ask themselves how far they were to believe a man who was in prison and dishonest. This evidence required careful consideration. As a prisoner, the people with whom Smith could communicate must of necessity be exceptionally limited. Smith said he was allowed to do extra work in the passage where the accused was confined, that this would bring him to the place in the corridor where Gray's cell was, and that he could speak to Gray without attracting the attention of the warder. Smith would tell the jury that Gray told him several things. In one of these conversations it was alleged by the prosecution that Gray said to Smith, "I was with the girl almost to the hour it happened,

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but that does not mean to say I done it." There was a fund of evidence that Gray was in company with the girl up to 3-30 and was seen walking towards the spot where the murder was committed, so that that statement would be the truth, even if it were not wholly true. On another occasion Gray said to Smith, "There is a man on the next floor who knows me and the girl, and I am going to get him to say he saw a sailor with her." Smith asked Gray how the murder happened, and Gray said, "By dropping a stone on her head." Smith asked, "How do you know that?" and Gray replied, "I have seen the stone."

Mr. Gill said that after the verdict of the Coroner's jury Gray said to Smith, "It is all up with us. The jury have brought in a verdict—"

Mr. JUSTICE AVORY—I think I should not read that.

Mr. Gill said that on another occasion Smith asked Gray if he could prove he was at work at the time, or where he was, or whether his wife could say where he was. Gray replied, "I don't know."

The important question, said Mr. Gill, was whether the two men seen to pass the railway-hut with the dead girl were the two men who now stood before them. "If the Crown satisfy you upon that," he concluded, "the rest of the evidence is consistent with their guilt, and all their conduct subsequently is consistent with their guilt, especially the fact that after having an opportunity of considering the matter, they have put forward a concocted and deliberately false statement as to their whereabouts at the time."

Evidence for the Prosecution.

JAMES AYLWIN AVERY FOWLER, examined by Mr. CURTIS BENNETT—I reside at 4 Shelley Terrace, Lewes. I am an architect and surveyor in the service of the East Sussex County Council. I produce the plan, Exhibit No 15, which shows part of the Crumbles and part of Seaside from the Archery Tavern towards the Crumbles. It also shows the railway-line going across the Crumbles. I also produce a further plan which I prepared, and which is Exhibit No. 25. It is a correct plan, and it shows part of Eastbourne, the whole of Seaside and the Crumbles, the railway-line, and the hole where the deceased's body was found. Going from left to right, on the left-hand side of the plan I show first of all St. John's Road. The plan also shows just below St. John's Road, going to the right, the Wish Tower. Continuing on to the right you come to Sussex Road which is shown a little way back from the sea, and running out of Sussex Road there is

Evidence for Prosecution.

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Longstone Road; they cut each other at right angles. The plan also shows the Hippodrome, the Albion, and the Albemarle. Victoria Place will be seen quite close to Sussex Road; it is not an actual continuation of it, but it is quite close to it. Then you come to the Hippodrome and the Albemarle, and then Leaf Hall, and then a restaurant called the Criterion Restaurant. Going along Seaside, Firle Road is about midway between the Criterion and the Archery. Supposing one was walking along Seaside to Eastbourne, it would be on the west or left side about half-way between Leaf Hall and the Archery Tavern. The width of Seaside Road at the Archery Tavern, including the pavement, is 64 ft I have marked on the plan 393 Seaside. The distance from 393 Seaside to the bus shelter and clock is 69 yards, and the bus clock, which is marked on the plan, is almost opposite the Archery Tavern. Going along on the same side as 393 Seaside, I have marked St. Andrew's Church, and upon the opposite side, just beyond St. Andrew's Church, I have marked "Eastbourne Housing Scheme Site." The distance from 393 Seaside to St. Andrew's Church is 272 yards. There is also on the same side as St. Andrew's Church the Alexandra Arms.

The last road before the railway, which is shown upon the lower side of the plan, is Fort Road; it is the last yellow road marked before the railway-line. The plan also shows in a direct line from St. Andrew's Church to the sea a seaplane shed. Then the railway-line crosses the main road, and just where it crosses it there is a cottage which is called the Ballast Hole Cottage. Following along the road, the next place marked on the plan is the Lodge Inn, and just beyond the Lodge Inn there is another pink road running down to Langney Point which crosses the railway at right angles. Then you come to Aylesbury Farm. Just opposite Aylesbury Farm the road splits, the road to the left being the road to Hailsham and Langney and the road to the right being a minor road to Pevensey Bay. Going along that road to Pevensey Bay I have marked some cottages, and I have also marked below the cottages "Railway Carriage." That is what has been described as the railway-hut. Just beyond the railway-carriage I show the line separating, one line going round to the right, and the hole where the body is said to have been found. The total distance from the Archery Tavern to the hole I have just mentioned is 2795 yards. That is going by the railway-line. All the measurements are taken from the Archery clock, which is the bus clock. The distance from the railway-carriage to the hole is 532 yards. The distance from the railway-carriage to the cinder track, where the cinder track crosses the road, is 817 yards. From Ballast Hole Cottage, going along the railway, to the point where the cinder track crosses the railway is 758 yards. If instead of going

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by the railway-line you went from Ballast Hole Cottage along the road to where the cinder track joins the road, and then along the cinder track to where the railway-crossing is, the distance from Ballast Hole Cottage to the cinder track is 653 yards, while up the cinder track to the junction with the railway-line is 350 yards. It would therefore be 1003 yards to Ballast Hole Cottage if you went by the road and up to the railway-crossing, and it would be 758 yards if you went the other way. It is 442 yards from the hole to the nearest point on the Pevensey Bay Road. I could not say exactly what the distance from the hole to the sea would be because I have not actually measured it, but it is somewhere about 700 or 1000 yards.

From the nearest point in the hole to Pevensey Bay road is $2\frac{1}{2}$ miles going via Pevensey Bay I do not know whether it is possible to get across country to Pevensey Castle. [Shown Plan No. 3, Exhibit No. 26] That is a plan on a very much larger scale showing the road from the Eastbourne side of Archery Tavern to just beyond the hole near Ballast Cottage. It shows again the Archery Tavern, the bus shelter, the bus clock, and 393 Seaside Road. It also shows St. Andrew's Church, the Arlington Arms on the opposite side of St. Andrew's Church, and a road which is called Alfrey Road. At the corner of Alfrey Road there is the Alexandra Arms. It shows Fort Road, and then it shows the railway, which I call on the plan "Tramway," going on to the Crumbles, and then it shows the Ballast Hole Cottage. At the corner of Fort Road and Seaside Road, to get on to the Crumbles, you can just go under a little railing.

I made certain measurements at the hole itself. The greatest depth of the hole was 4 ft. It was all shingle, at the sides, the top and bottom. The width of the hole was 14 ft by 17 ft. The distance from the centre of the hole to the railway-line is 23 yards.

Cross-examined by Mr. CASSELS—Is Plan No. 2 a reproduction of the 6-in.-to-the-mile survey map?—Yes.

When was that ordnance survey map made and completed?—It was taken by the 1910 Commission, or the 1908, I am not quite certain.

Have you put anything on this plan except what you found on the ordnance map except the lettering?—Yes, I have put the seaplane shed.

That is not shown on the ordnance survey map?—No.

What else have you put on besides the lettering?—I do not think I have put anything else. I have certainly marked the position of the Eastbourne houses. That was not shown.

I want you to go along that road where you have got Wallsend or Pevensey Bay road. Have you taken particular note of the cottages along that road?—I have.

Evidence for Prosecution.

James A. A. Fowler

Are all the cottages that are on that road given on the ordnance survey map?—Yes, they are

And there are no cottages other than those that you have put on this plan?—I think there are two cottages a little nearer the road at the mark “Aylesbury Farm.”

They are not on the plan?—They are not on the plan. They were omitted so that they should not confuse.

Whereabouts on the plan would they come?—They would come just a little nearer the road.

Between the road and the farm?—Between the road and the farm.

Going along the opposite side of the road towards Pevensey Bay you have marked five cottages?—Yes, I have marked three cottages, and you will find there farm buildings.

Are there no other cottages along that road from where you have marked the last cottage to where you have marked Pevensey Bay?—I will not say that.

That is rather important. Do you see the turning just under the word “Bay” in the phrase which you have put on the map “Pevensey Bay Road”?—Yes.

Will you say whether there are any cottages, or not any cottages, between the last cottage which you have marked there and that point on the map?—Under the letter “a” of Bay?

You see the turning, do you not? You see where you have marked “Pevensey Bay Road”?—Yes.

You see between the word “Bay” and the turning?—Yes.

I want you to fix your mind upon that, and also on this place where you have marked the last cottage?—Yes.

Will you say between those two places there are no cottages?—On the plan there are marked certain buildings under the word “Bay.”

That is not between the two points. Between the two points along that road, you see where you have marked your last cottage?—Yes

You see where you have marked “Road”?—Yes.

Are there, along that road, any cottages?—No.

Are you certain of that?—I am pretty well certain.

Did you go on to the ground—on to this land?—I went down to a point which on the ordnance sheet shows a bench mark 8.9, the nearest point to the hole.

Did you go along the road?—Not farther than that point.

Have you ever been along the Pevensey Bay Road?—Not farther than that point.

Which is the point?—It is the point on the ordnance map which is nearest the hole, and on the ordnance map it is shown by a bench mark 8.9.

Field and Gray.

James A. A. Fowler

By Mr. JUSTICE AVORY—Would that be under the letter “d” in “Wallsend Road”?—No, a little farther along the road between the “d” and “R.”

Cross-examination continued by Mr. CASSELS—Are you able to say whether there are any other cottages on the Pevensey Bay Road beyond that point which you have indicated going north east?—I cannot say for certain.

I want you to look at the words “Lodge Inn” and “Aylesbury Farm.” Is there any building between those two places? Do not look at your 1908 map, but think what you have seen yourself—I cannot say for certain.

You cannot say for certain whether there are any building between Lodge Inn and Aylesbury Farm. Is your plan taken a tracing from the ordnance survey map?—Yes.

Are the distances you have given distances which you have measured upon that map or which you have measured on the ground?—Which I have measured on the ground.

I only want to test two of your distances. The distance from the hole to the road is 453 yards?—422 yards.

And the distance from the cinder track to the railway where it joins the road is 350 yards?—Yes.

The distance along the cinder track from where it crosses the railway to where it joins the road is 350 yards?—Yes.

And from the hole to the road is what?—422 yards.

Do you think, if your plan is drawn to scale, those distances are shown on your map?—The distances are correct, but whether the survey is correct I do not know.

The figures which you have given us are the figures which you have measured on the ground yourself?—Yes.

You will not swear that the plan shows the same distances?—No. About the hole, have you been in the hole?—Yes.

Standing up, what can you see from that hole? How tall are you?—5 ft. 2 ins.

Perhaps you can stretch your imagination that you are another 8 inches and tell us what you can see from that hole standing up?—

By Mr. JUSTICE AVORY—Have you tried it?—Yes, I have tried it. You can see the majority of the buildings and the cottage on the Wallsend Road; you can see some of the cottages.

What is there to obstruct your view? The hole is only 4 ft deep?—There are plane trees in front of some of those cottages which obstruct the view. With regard to the railway-hut, you can just see the top of it—just see the roof.

Cross-examination continued by Mr. CASSELS—You can just see the roof, but anyone taller than yourself would be able to see the best part of the railway-hut?—No, I could not say that.

Evidence for Prosecution.

James A. A. Fowler

You cannot say that. Can the cottages anywhere near Aylesbury Farm be seen from the hole?—No.

What is there to stop it?—There is some obstruction, undergrowth or trees. The only other cottage I could see was the cottage which is on Map No. 2, the cottage nearest Pevensey Bay.

That is the last cottage you have marked?—Yes, and, of course, you could see along the road—on the bend of the road under the word “Bay.”

Could you see the bungalows there?—Yes.

Could you see anything besides those bungalows and the cottages which you have mentioned?—No, I do not think so.

Now I want to take you to another part of the Crumbles. You see the Ballast Hole Cottage?—Yes.

Take your eye along to Lodge Inn and then to the cinder track?—Yes.

And then along the cinder track and along the railway. That encloses a triangular piece of ground?—Yes.

What is the growth like on that piece of ground?—In some places it is dense.

Uneven?—Yes.

Bushy?—Yes.

And various trees?—Yes.

It would be difficult, would it not, for anyone passing along the road to keep always in view anyone passing along the railway-track?—I do not think if you were walking along the road you could see them the whole of the time.

By reason of the growth?—By reason of the growth, yes.

Now I want you to go back again to the hole. Did you examine the Crumbles very carefully in the neighbourhood of the hole?—I cannot say that I examined the Crumbles very carefully. I went across.

Did you see any deeper holes?—I came across one very much deeper hole which was nearer the cottages, but I have not found any hole near where this body was found that is deeper.

Have you looked?—I have not been very far.

There is a very much deeper one?—A hole?

Between the railway-line and the hole?—I cannot say that.

On the other side of the railway?—The hole in the direction of the cottages.

That is nearer the cottages?—Yes.

Is the one you are talking about on the other side of the railway to the hole where the body was found?—Yes.

That is a very deep hole?—Yes, a very deep hole.

Much deeper than the one where the body was found?—Yes; should say about 20 ft. deep.

Field and Gray.

James A. A. Fowler

By Mr. JUSTICE AVORY—Where do you say that is?—Between the point marked “hole” and the point marked “cottages” on the Wallsend Road, on the west side of the map.

Cross-examination continued by Mr. CASSELS—I want you to picture to yourself two individuals standing in the hole and perhaps one or both occasionally stooping down and then standing up. Could they be seen by anyone walking along the railway-track?—I think it is very doubtful, although I am not certain.

You mean you have not tried?—I have not tried.

Could they be seen from the railway-hut?—No—

I mean, of course, in daylight?—The hut—no, I should not think so.

What have you got to support that view?—Because standing in the hole I could only just see the roof of the railway-hut.

You could only just see the roof of the railway-hut. Let us take it someone is standing on the roof?—If they were standing on the roof, they could see.

Do you say that anybody in that hole, occasionally stooping down and then standing up, would be seen by anybody in the railway-hut?—I do not think they would.

Why not?—Because I could only see in the hole a small portion of the railway-hut.

Have you been to the railway-hut to try and see if that could be done?—No, I have not.

Do you agree with me that to anybody standing in the railway-hut and looking across to the hole a person standing in the hole would be thrown in direct relief on to the sky line?—I cannot say so.

You would not be prepared to dispute it?—No.

It is very flat there with the exception of such dips as these?—Yes.

The country is quite flat?—Yes.

Cross-examined by Sir EDWARD MARSHALL HALL—Have you seen these photographs?—No.

Look at this Photograph No. 4. You follow what that is. You see the cross there. That I believe is meant to indicate the hole. That is looking towards Aylesbury Farm and the cottages on the road?—Yes.

That is not a cross; it is the handle of a spade. Looking in that direction, obviously there are a good many more houses than you have shown on your 1910 plan?—Yes.

Even that does not go as far back as the Lodge Inn?—No.

Therefore there are a good many more houses than there were in 1908 or 1910?—Yes.

Re-examined by Mr. GILL—Anybody standing in this hole, if

Evidence for Prosecution.

James A. A. Fowler

they were of full height, would have a very good opportunity of seeing if there was anybody in the neighbourhood?—Yes, they would.

FREDERICK WILLIAM WENHAM, examined by Mr. CECIL WHITELEY—I live at 22 Pevensey Road, Eastbourne. I am a professional photographer in the employment of Mr. Ladis, photographer, 71 Terminus Road, Eastbourne. On 10th September of this year I took a number of photographs and either developed them and printed them myself or superintended the printing of them. The prints which I produce to-day are prints of the negatives which I took and developed. Taking, first of all, Print No. 1, that was taken about 40 yards away from the hole in which the dead body was found. The camera was looking east towards Pevensey Bay. The hole is indicated in Print No. 1 by a spade or the handle of a spade. The spade was pushed in the ground and handle is showing in a line with the centre of the hole. Print No. 4 was taken about 40 yards away from the hole, looking north. The hole is indicated there by the handle of the spade right in the centre of the photograph. Print No. 5 was also taken 40 yards away from the hole, looking west towards Eastbourne. You can see the head and shoulders of a man in the hole there. I do not know whether he was standing or not. Print No. 6 was taken with the camera on the top of the hole. A man is shown standing up in the hole and you can see the legs of another man just behind him. That was done to get an idea of the depth of the hole. The shoulders of the man standing in the hole are on a level with the feet of the man above the hole. Print No. 7 is a photograph of the old railway-carriage which is used as a hut. The front view shows the door open, and it also shows three windows. The railway runs immediately in front of it. Print No. 8 was taken with my camera set on the railway-track about 25 yards away from the hut. It is a side view of the hut. This photograph shows how the railway-line branches off to the right. It was taken looking east, looking towards Pevensey. The hole, of course, is in the direction on the right, and on the right of the railway. Print No. 10 is a photograph of 393 Seaside. It is a corner house. The side part of it looks very white; it has been newly painted. There is a garden in front, then a short passage and the front door. Print No. 11 is a photograph of the Archery Tavern. The arrow, which is shown on No. 11, indicates the bus clock. There is a man just in front of the Archery Tavern and another man standing up towards the sea.

Cross-examined by Sir EDWARD MARSHALL HALL—Do you know his place apart from photographing it? You know it well?—'airly well.

Field and Gray.

Frederick W. Wenham

In August, of course, the visibility is very good?—It all depends on what sort of day it is—generally.

On a clear day it is?—Yes.

Do you know that sounds are heard at long distances there?—No, I cannot say that.

You have not noticed that?—No, I have not taken particular notice of it.

No. 1 and No. 4 very fairly represent the whole of the Crumbles?—Yes, they do. They give one a very good idea.

I see No. 4 shows the cottages very clearly, and No. 1 shows the bungalows on the Pevensey side?—Yes.

And No. 4 shows the cottages on the Eastbourne side?—Yes.

WILLIAM WELLER (13), examined by Mr. CURTIS BENNETT—I live with my parents at 32 Albacore Crescent, Lewisham. In August last I was spending a holiday at Eastbourne. I was staying with my mother at Mr. Lamb's house, 32 Manifold Road. On Friday, 20th August, I was out with my mother on the Crumbles when I noticed a little dip or hollow on the Crumbles and I went down into it, and as I went through that little hollow I tripped over something which I afterwards discovered to be a human foot. It was between three and four in the afternoon.

Did you tell your mother something, and did you go home to Mr. Lamb's?—Yes.

And later on did you come out with Mr. Lamb and did you take him to this spot on the Crumbles?—Yes. It was after tea, about six o'clock.

When you got back to the spot after six o'clock, so far as you could see, were the hole and the foot which you had kicked against in the same condition as you left them between three and four?—Yes.

And were you then sent by Mr. Lamb to make a communication to the police?—Yes.

I think you went to the police and returned again with them?—Yes.

CLEMENT JAMES LAMB, examined by Mr. CECIL WHITELEY—I live at 32 Manifold Road, Eastbourne, and I am a carpenter and joiner to trade. On the evening of 20th August William Weller and his mother were staying at my house. In consequence of what they said to me, I went with the boy on to the Crumbles. It would be about seven o'clock when we arrived there. The boy William Weller pointed out to me a foot in a hole in the Crumbles. I removed the shingle and I discovered the body of a young woman dressed in a green coat with black imitation-fur trimmings. There was a black hat drawn over her face.

Evidence for Prosecution.

Clement J. Lamb

Was it drawn over?—The hat was drawn over the face and the brim embedded in the beach, and a large stone over it.

By Mr. JUSTICE AVORY—Do you mean a large stone as if it had been picked out for the purpose?—The brim of the hat was embedded in the beach and a large stone put on it.

Examination continued—[Shown Exhibit No 1.] That is the coat.

[Shown Exhibit No. 2.] That is the hat I have referred to. It is just a plain hat; there is no trimming on it.

When you lifted the hat up, did you see the head of the girl was bruised?—Yes.

At the same time did you find a large stone?—Yes.

That had been covered up with the shingle?—Yes, there was about 3 ins. of shingle on the top of it.

How far from the body was it?—2 ft.

By Mr. JUSTICE AVORY—From which part of the body?—The body lay on the left side, and it was about 2 ft from the stomach.

Examination continued—Look at Exhibit No. 8. Is that the stone?—Yes, that is the stone. It is a fire brick. You can see where it is clinkered through being in a furnace.

What is the weight of it?—

Mr GILL—The weight will be proved to be 33 lbs.

Examination continued—Did you notice whether it had any blood on it?—When I picked it up it was dark. When the police arrived, the inspector got a lamp and I then saw streaks of blood on it.

You did not move it?—No.

You did not interfere in any way with the position of the body?—Not at all, because I did not think it was prudent to do so.

That was all you found. You did not find any bag or any purse after you had taken the shingle away?—No.

By Mr. JUSTICE AVORY—No lady's handbag?—No.

Examination continued—You sent the boy Weller for the police?—Yes.

And you waited there until Inspector Cunningham came?—Yes.

Cross-examined by Mr. CASSELS—When you first came on the scene, all that you could see would be merely a foot sticking out from the beach?—Yes.

The rest of the body was entirely covered?—Yes.

Did it look as if the body was down in the shingle as well as covered?—Yes. Of course the body was lying straight.

How much shingle would there be over the body?—About 6 ins. deep over the chest and stomach.

All over?—Yes, except where it had been disturbed by the boy tumbling against her.

Field and Gray.

Clement J. Lamb

Six ins.?—Yes; I put my hand down.

By Mr. JUSTICE AVORY—You think it was the depth of your hand?—About that depth.

Cross-examination continued by Mr. CASSELS—On the head it was deeper?—Rather deeper.

Inspector ERNEST EDWARD CUNNINGTON, examined by Mr. CURTIS BENNETT—I am an inspector of the Eastbourne County Borough Police. On 20th August last at eight o'clock in the evening, as the result of a communication, I went with two police constables and the boy Weller to the Crumbles.

At that time in August, with the Daylight Saving Act, it would be light, would it not?—Yes

Were you taken by the boy to a spot where you found Mr. Lamb?—Yes.

And did you find there a hollow in the beach and the body of a woman lying in the hollow?—I did

At the time you got there, was the body partially buried still?—Yes.

What part of the body had been uncovered?—The right side.

Did you uncover the body?—No

Could you see that the body was lying on its left side?—Yes.

With the right leg extended?—Yes.

And was the left leg bent under the right leg?—Yes.

And lying upon its left side with the left arm extended from the shoulder?—It was.

And was the right arm across the chest so that the hand came underneath the left arm?—That is so.

Was the hand resting on the left arm, which you have told us came out at right angles?—It was.

The body was fully clothed?—Yes.

We have had produced here a green coat and a hat. Was the green coat lying in its ordinary position down the body, or was it turned back?—It was turned back.

How far?—It was folded from the right thigh about 6 ins. down to the knee

Exposing the thigh?—Yes.

By Mr. JUSTICE AVORY—The dress was up farther even than the coat?—It was.

And the underclothes?—Yes.

Examination continued—On the right leg was there any shoe or boot?—No.

On the left leg was there a shoe?—When the doctor was there we found a shoe.

You say it was subsequently found?—The shoe belonging to the right foot was subsequently found.

Evidence for Prosecution.

Inspector Ernest E. Cunningham

By Mr. JUSTICE AVORY—Did you see it found?—No.

Examination continued—When you arrived, where was the hat?—It was placed over the face.

Did you also find by the left side of the woman the large stone which has been produced?—Yes.

Was that about 7 ft from the body?—It would be.

Under the green coat, had she a grey dress?—Subsequently we found a grey dress.

You were there?—At the time I was there, but I did not disturb the clothing until the doctor arrived.

You left the constable, did you not, having found what you have already told us, with the body?—Yes

And did you go on a cycle to Pevensey and communicate with Superintendent Willard of the East Sussex Police?—Yes

Was that because the body was found in a position just outside the area of the Eastbourne Police?—That is so

Did you also call Dr. Cadman?—I did

And did you return with Dr. Cadman to where the body was lying?—Yes.

When you got back with Dr. Cadman, had Superintendent Willard arrived?—He had.

There was then a short examination by Dr. Cadman, and did you subsequently remove the body to the mortuary at Eastbourne?—Yes.

And did you there assist when the deceased was undressed?—Yes.

Mr. JUSTICE AVORY—You have not asked him whether he saw anything upon the stone when he first saw it.

Examination continued—Did you notice anything upon the stone when you first saw it?—I did. I saw a stain of some sort on the stone; I could not say what it was owing to the light.

Did you see that stone and stain again after Dr. Cadman had arrived?—Yes.

When Dr. Cadman arrived, there was some artificial light?—Yes, an acetylene lamp.

Could you then examine the stain upon the stone?—Yes.

What did it appear to you to be?—Blood.

You have told me that you assisted to undress the body at the mortuary. Did you there see the clothes the girl had on?—I did

Will you just tell us what she had on?—She had on a green coat and a grey dress, a blue petticoat and what is called a camisole, or something of that sort, with white combinations, one pair of black stockings, and a black velvet shoe on the left foot

Were the white combinations made of calico?—Yes.

Field and Gray.

Inspector Ernest E. Cunningham

Were they at the lower part of them round the knee or round the leg tight or loose?—I should say medium.

Were they closed at the back? Had they buttons upon them?—They buttoned behind.

Were those combinations stained?—They were.

With blood?—Yes.

Was she wearing a diaper?—She was.

Was that fastened by being tied round her waist?—Yes.

Somewhat tightly, I think?—Yes.

And was it in place when you found it?—It was.

Did you visit the spot again at 8-30 on the morning of the next day, Saturday, the 21st?—I did.

And did you make a further examination of the hole where the body had been found?—I did.

Underneath the spot where the head was found, did you find anything?—I found some blood.

And did you measure to see to what depth in the shingle that blood went?—Yes.

And did you form any opinion as to it?—No.

By Mr. JUSTICE AVORY—Was it a spot or two, or what was the appearance of it?—There was a lot. It drained amongst the pebbles.

Examination continued—A quantity?—Yes.

There is one other question my learned friend would like me to put to you. I have asked you a question about the combinations, and you say they fastened up at the back by three buttons?—Yes.

Were they combinations which were closed and done up at the back so that it would be necessary for the girl to undo these buttons if she desired to use the lavatory?—Yes.

They were closed combinations?—Yes.

And when you found her or when she was being undressed, they were in fact buttoned up?—They were.

For the purpose of keeping her stockings up, was she using suspenders or garters?—Both.

Were the suspenders in use or not?—No.

There were suspenders, but they were not in use?—They were not in use.

Were the suspenders not fastened to the stockings?—They were not.

By Mr. JUSTICE AVORY—The suspenders were hanging loose, you mean?—They were.

Examination continued—There were in use elastic garters, were there?—Yes.

Were there any corsets on her?—Yes.

Evidence for Prosecution.

Inspector Ernest E. Cunningham

And, of course, to the corsets the suspenders which were not in use were attached?—Yes.

Did you notice the hair particularly?—It was matted with blood.

Cross-examined by Sir EDWARD MARSHALL HALL—You saw the stain which you thought to be blood upon that stone. Just indicate to me where it was? [Witness indicated the site of the stain.]

Those are the stains which the doctor and you saw by the light?—Yes.

At the time you saw them, were they wet or dry?—Dry.

Superintendent ALBERT WILLARD, examined by Mr. WHITELEY—I am a superintendent of police of the East Sussex Constabulary, stationed at Hailsham. On the evening of 20th August I received certain information in consequence of which I went to a certain spot on the Crumbles where I arrived about 10-25 p.m. I found Police-Constable Frost in charge of the body.

Shortly after your arrival I think Dr. Cadman arrived?—I should say after my arrival I left the spot for a short time before the doctor arrived.

And then you came back?—Yes.

And did you take charge of the body when it was taken to the mortuary?—Yes.

Did you search the clothing?—I did.

On searching the clothing did you find a paper bag?—I did. It is Exhibit No. 9 [produced].

By Mr. JUSTICE AVORY—Where did you find it?—In the dress pocket.

Mr. JUSTICE AVORY—It is a sweet bag, I think.

Sir EDWARD MARSHALL HALL—It looks like a confectioner's sweet bag.

Examination continued—You had seen the exact spot where the body had been found and the position of the head?—Yes, I saw the body in the place.

The following morning did you go back to the spot?—I did.

And did you examine the shingle which was immediately behind where her head had rested?—I did.

Did you discover blood there?—I did.

To what depth did the blood go?—I put it at about 18 inches.

Into the shingle?—Yes, but I did not measure it.

What sort of quantity of blood—was there much there?—I could not say the quantity, but it was considerable.

Did you also find a tooth?—I found a tooth. I have it here.

We do not want that. You took the accused into custody on 5th September?—I received them into custody from Eastbourne.

Field and Gray.

Superintendent Albert Willard

That was on a Sunday?—On a Sunday.

Were they brought before the Magistrates at Hailsham on the 6th?—No. I conveyed them to Hailsham on the 5th and charged them with this offence and cautioned them, and they made no reply.

What I asked you was, did they go before the Justices?—No.

When did they first go?—I took them before the Eastbourne Magistrates

On the 6th?—Yes, and they were remanded to the 9th

Did you take them before the Hailsham Justices on the 9th?—No, the Eastbourne Justices still On the 9th they were remanded to the 16th.

And then were they taken before the Hailsham Magistrates?—Yes.

And when they were before the Justices at Hailsham on 16th September did Field make a statement?—When asked by the Justices' clerk if he had anything to say why he should not be remanded, he did I made a note of it at the time He said: “I think it is about time some of you knew what you were doing. We have been kept here sixteen or seventeen days. We were pulled up once and detained for two days and we made a statement as to where we were That statement was proved right and we were released, and now we are detained again on that statement. You have got no evidence against us at all Mr. Mercer said he had a sailor to identify us. I have never seen him, neither has my friend We have been up before a woman and about twelve men, but none of them has identified us as the men having been with the girl” Gray said: “I have nothing more to say”

They were remanded on that day until the 23rd?—That is so

And again to the 28th On the 23rd they were represented?—Yes.

Was the place pointed out to you where the keys were found?—Yes.

Did you measure the distance from the place where the keys were found to the hole?—With the surveyor.

Do you know what it was?—Yes, 547 yards.

Was it a bunch of keys?—A bunch of keys.

Was the spot that was pointed out to you a spot on the other side of the railway between the railway and the road?—Yes.

By the other side of the railway you mean the opposite side to the hole?—Yes.

You go over the railway to get to the spot where the keys were, and that is going in the direction of the road?—Coming out of the hole to where the keys were found, you walk down the railway-track some considerable distance.

By Mr. JUSTICE AVORY—Was it the way anybody might take going from the hole towards Eastbourne?—It was the direct road;

Evidence for Prosecution.

Superintendent Albert Willard

the only difference is that instead of going up the railway-bank they pass along the railway-track about 10 yards.

Examination continued—The Wallsend Road is the nearest road?—Yes.

How many yards from that Wallsend Road was it where the keys were found?—

Mr JUSTICE AVORY—Is not the only thing that is material that they were found at a spot which a person would pass if he was leaving the hole and going towards Eastbourne?

Mr WHITELEY—Yes.

Mr. GILL—That is the whole point.

Cross-examined by Mr. CASSELS—Would you tell us a little more definitely where exactly the keys were found? First of all, anybody leaving the hole and going in the direction of Eastbourne would not cross the railway-line at all?—Yes.

They would? If they did that they would not go in the right direction or the nearest way?—I should.

Where were the keys found?—Just behind the railway-hut, between the railway-hut and the road.

That is at a spot where there is rather a track leading from the railway-hut to the road?—That is so

A much-used footpath?—Yes

Does this come within your area?—Yes

Do you know the spot well?—Yes, fairly well.

Do not a large number of people use it as a place of resort?—There are a number of people there, but usually they are nearer the Wallsend Road or nearer the sea—not so much in the open part. This is a spot where the men are working day by day taking ballast.

If anyone wants to cross the shingle the railway-track is used? It is the best track?—If they were coming from Eastbourne, travelling up the railway-track, they would branch off in the direction of Pevensey.

Cross-examined by Sir EDWARD MARSHALL HALL—This spot where the hole is is 22 yards from the railway-track?—Yes.

It is a special railway-track made for fetching ballast?—Yes.

And these men in the hut are always round their trucks up there filling them with ballast; that is their daily work?—They work up to dinner time and load up their trucks

And then the engine comes up and fetches them back?—Yes.

Re-examined by Mr. GILL—You know that the engine comes to fetch them away. You have seen it?—Yes.

Do you know the time they stop work?—I was there for a

Field and Gray.

Superintendent Albert Willard

fortnight myself, and they were generally away from 3-30 to four in the afternoon.

By Mr. JUSTICE AVORY—They leave off work about 3-30?—They have so many trucks to load and they do their work and go and sit down in the railway-hut.

They leave off work at what time?—On these days I should say they were leaving off between twelve and one.

Mr. GILL—We will give evidence that the engine comes about 3-30.

The Court adjourned.

Evidence for the Prosecution Continued.

Dr. ERNEST STANLEY RADFORD CADMAN, examined by Mr. GILL—
I am an M.D., and I have also other qualifications I live at Gordon House, Westham, Sussex. I am in practice there. I am also police surgeon for that district. On the night of 20th August last I was called to go to the Crumbles at about 10-25. I got there shortly after eleven o'clock—11-5 to be correct. I looked at my watch both times. I had an acetylene lamp with me and also a nurse who took notes as I gave them to her.

Going to the spot where the body was, did you find it lying in the position that we have already had described?—Quite so.

Had the shingle been removed?—Yes, the shingle had been removed to a certain extent, but the left arm and the right leg were underneath the shingle.

Then you had that removed?—I had that removed most carefully so as not to cause any injury.

Was the hat over the face?—The hat was over the face when I examined the body.

On removal of the hat, did you find the face covered with blood?—Until we removed the body we could not see that positively. The right side of the face was not. The bleeding had taken place on the left side.

On the following day, the Saturday, a post-mortem examination was made by Dr. Adams, and you were present at it?—I was, and assisted.

And, with regard to the wounds on the deceased, at that time they were seen and a record of them made?—Decidedly so. Dr. Adams made the notes with regard to those. Of course, I was present, but Dr. Adams made the examination.

At the time you saw the body, was it quite cold?—It was.

And *rigor mortis* well established?—It was well established. I could not move the limbs.

Was your attention drawn to the large iron-stone brick that was there?—Well, as a matter of fact, I was sitting on that whilst I made my examination, and it was not until I had finished my examination that the stone was examined, and when I had formed an opinion as to how death had occurred.

You did see the stone?—I saw the stone and examined it.

Did you see there were marks of blood on one side of it?—I did.

Without going into detail with regard to the injuries to the head, did you see a mark on the right side of the head with

Field and Gray.

Dr Ernest S. R. Cadman

regard to which you formed an opinion?—I formed an opinion that the blow on the right side of the head was done by a blunt instrument

Assuming that that blow was the first injury that was caused to the deceased woman, were the injuries on the left side of the face such injuries as to be caused by the use of that stone?—No, I do not take it so. There were three wounds in the lower jaw. Dr. Adams will explain where exactly those wounds were, but I do not consider from what I saw that the stone could have caused those injuries

Did you form any opinion as to whether the breaking of the jaw could have been the result of a stone being dropped on the left side of the head?—On the jaw? I think the weight of the stone was the cause of that.

By Mr. JUSTICE AVORY—Was the cause of the injuries to the left side?—But I believe the other injuries were caused previously to that.

Examination continued—May I take it that the blow on the jaw was the first injury?—I consider that was the first blow that was given.

At the time you made your examination the clothing had not been removed; it was only removed subsequently at the mortuary?—Yes.

Did you see enough of her condition to see that she was wearing combinations, and that there was a stained diaper?—Yes, I did.

And that she was menstruating?—Yes

And that the diaper was in position?—In exact position.

At the subsequent examination of the body, when Dr. Elworthy saw it, you were not present?—I was not present at that.

Cross-examined by Mr. CASSELS—You were the first doctor to arrive on the scene, were you not?—Yes, that is so.

As the result of your examination of the body upon that occasion, did you form an opinion as to how long the girl had been dead?—At the time I gave an opinion that it was approximately from twelve to twenty-four hours.

Were you assisted in arriving at that opinion by the coolness of the body and the fact that the *rigor mortis* was well pronounced?—I was, certainly.

Did you express that opinion at the Inquest?—I do not remember that. I have got that fact in my notes.

By Mr. JUSTICE AVORY—Your notes made by your nurse at the time of the examination?—Yes, it was an opinion made right on the Crumbles at the time I examined the body.

Cross-examination continued by Mr. CASSELS—Did you express

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it at the Police Court?—I cannot remember that fact—that I specially said that—but I have it in my notes.

When you are talking about the coolness of the body, of course it was the touch of the hand, was it not?—Yes

Therefore the outside of the body. You took no steps to ascertain the temperature of the inside of the body?—Oh no.

You were able to make a very careful examination on the shingle with the aid of the acetylene lamp?—I made a careful examination under the conditions I was placed in.

The shingle that you found covering the body was formed of large round stones, was it not?—Yes, it was

Did you notice at all whether it had been raining on the Friday?—No, I cannot say that.

Were the clothes at all damp?—Not that I noticed

Was the shingle round the body at all damp?—No, it was apparently quite dry.

Were you present at the post-mortem examination by Dr Adams on Saturday, the 23rd?—I was

What was the condition of the *rigor mortis* then?—The body was quite in a normal position when I saw it on the Saturday.

Do you mean that the *rigor mortis* had relaxed?—Yes

Do you know when it had relaxed?—No, I could not say. I did not sit and watch the body.

Would it be your view that a body left out in the condition in which you discovered it, that is to say, clothed, covered by shingle to conceal it in the open, would cool more rapidly than under normal conditions, or less rapidly?—

Mr. JUSTICE AVORY—What do you mean by “normal conditions”??

Mr. CASSELS—In a room.

Mr. JUSTICE AVORY—Then you must specify the temperature of the room.

Cross-examination continued by Mr. CASSELS—Take the ordinary body that dies in a bed, so that the body is dealt with in the ordinary way. Take those as being the normal conditions of death. Would you say that a body left out in the open as this was covered by clothing and by shingle would cool more rapidly or less rapidly, taking twenty-four hours as your extreme limit?—Well now, can you give me an idea when Irene Munro took her last full meal?

I must try and get that from somebody else. Assume she took her last meal whenever you like to put it?—

Mr. JUSTICE AVORY—The witness says one of the conditions he must know before he can express an opinion is the time she had her last meal. That is what I understand.

The WITNESS—Yes, quite so.

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Cross-examination continued by Mr. CASSELS—Taking your time as twenty-four hours from the time you examined the body back to the time of the death, and assume a meal was taken within four hours of that time?—In that case *rigor mortis* would come on in about six hours from death.

Is the condition in which you found the body on Friday night a condition consistent with death having taken place on Thursday night or during the early hours of Friday morning?—I should say Thursday afternoon.

Do you mean by that answer that the condition in which you found the body is consistent with death having taken place on Thursday night or early hours of Friday morning?—I could not give an opinion with regard to that, because *rigor mortis* is so indefinite, and you cannot set positive times except the times I have given. Six hours after death *rigor mortis* would set in.

And would start to relax when, do you think?—Possibly in twenty-four hours. It was relaxed when I saw the body the next day. That was at 2-30 p m. on the Saturday.

To what extent was it relaxed?—It was in the ordinary position; the arms were down and the legs were down, and it was quite different to when I found the body on the Crumbles.

There were no signs of any relaxation when you examined the body on the Friday night?—Certainly not.

Am I right in saying that the relaxation of the *rigor mortis* is gradual and starts where the *rigor mortis* has set in—the neck and head, and that sort of thing?—Yes, according to the authorities that is so, but *rigor mortis* has not been a special subject for me to study.

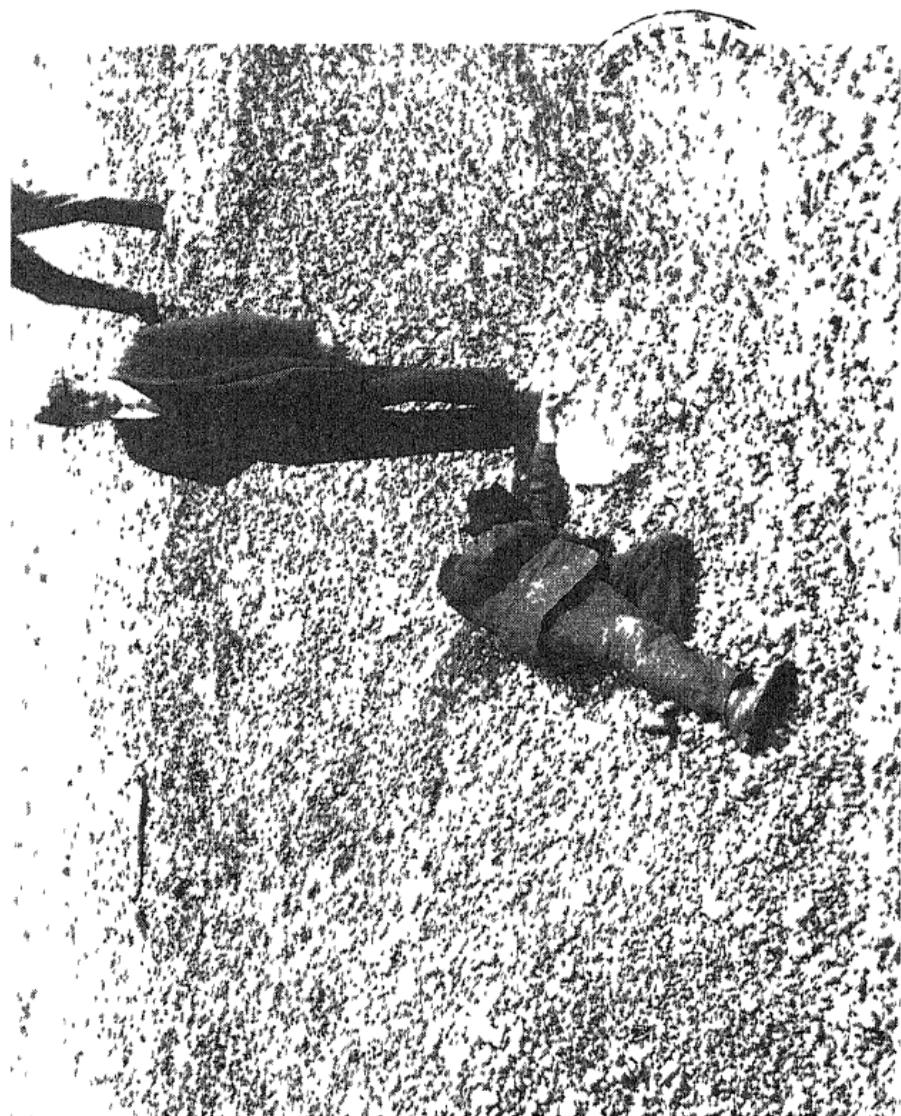
If in your view now the condition in which you found the body was consistent with death having taken place on the Thursday afternoon, what was it led you to the opinion on the Friday that the limit of time for death was between twelve and twenty-four hours from the time you were examining the body?—Because of the cooling of the body and the conditions of the *rigor mortis*; it was so pronounced.

That led you to the opinion of twelve to twenty-four hours?—It did, because the *rigor mortis* gradually relaxes after a certain time.

Did you make any observations of the relaxation of the *rigor mortis* other than the one formed on the Friday night?—No, I did not.

You would agree that the atmosphere has a considerable effect upon the cooling of the body?—Decidedly so.

Have you any information at all about the atmosphere upon that Friday?—No, I cannot say that I have. It was a fine night, but it was very dark.



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Your twenty-four hours would have taken you back to eleven o'clock on the Thursday night?—Yes.

And you were examining at eleven o'clock upon Friday night. You had during that twenty-four hours, eleven o'clock until five or six o'clock in the morning, night hours?—Yes.

And you had had the evening time on Friday without much chance of sunshine. Did that assist you at all in forming your opinion?—No, I do not consider it did. I formed it from the rigidity of the limbs.

You formed it from the *rigor mortis*. You noticed blood on the face?—Yes.

Was it congealed?—Yes.

There were cuts on the upper and lower lips, were there not?—Yes.

And did you say at the Police Court "blood not congealed"? First of all, did you say that?—It was congealed on the face, but when we moved the body blood ran out of the left nostril. That was not congealed.

The blood on the face you say was congealed?—Certainly.

The blood that ran out of the nostril when the body was moved would be blood coming from the body which had not been exposed to the open air, and that was not coagulated?—Yes, that is quite correct.

Did that help you at all in forming an opinion as to the time of death?—Yes, I considered it would not be more than twenty-four hours.

In the course of this careful examination did you find any signs at all of any struggle?—No, I did not, except that the dress was thrown up—disarranged

There were no signs on the body such as of holding by the throat or wrists?—I examined for that and I found nothing, and I also requested the police to examine round the spot to see if there had been any struggle, but, as you know, the shingle moves very rapidly and no mark would appear.

I do not suppose there would be any footmarks that would help you at all, but from your examination of the body you, as a doctor, found no signs of any struggle?—I did not.

There was a slight scratch upon one of the thighs?—Yes, half-way up the right thigh.

By Mr. JUSTICE AVORY—On the inside of the right thigh?—On the inside of the right thigh.

One scratch?—Apparently. In the light that I had, it just looked like a small scratch, about an inch and a half I should say.

Was that recent—Well, I should say it was during the death struggle or just before.

Cross-examination continued by Mr. CASSELS—When you were

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present at the post-mortem examination on the Saturday by Dr. Adams, you knew, of course, that to ascertain the time when death had taken place was a matter of some importance in this case?—Yes, naturally I formed that opinion on the evening I was called to the spot

Did you take that opinion with you to the post-mortem examination?—Not having been ordered to make the post-mortem, I did not consider it my duty to form an opinion at that time Dr. Adams would be responsible for that.

You were present at the post-mortem examination as a little more than a mere spectator?—Yes.

What was there at the post-mortem examination to alter your opinion which you had formed on the Friday night, if anything?—Well, there was nothing.

Cross-examined by Sir EDWARD MARSHALL HALL—You have been in practice a great many years?—Yes.

And although you do not lay claim to great technical knowledge you have had a very large general experience?—Considerable.

If there was nothing else in this case—I mean if it was not a question of murder or anything of that kind—you would have probably been quite satisfied with the opinion that you formed on the Friday night when you saw the body as to the time that body had been dead?—I certainly should.

Because it was the opinion that you expressed not only before the Magistrates but before the Coroner when you said that the limit of time in your opinion was twenty-four hours?—Yes, that is so.

Of course when you formed that opinion you had no knowledge or suggestion as to the time that it was important to cover for her death?—I expressed that on the evening when I examined the body without any knowledge whatever of what had occurred.

And it was an entirely independent and impartial opinion?—It was certainly

That took place on Friday night, and the opinion you formed on the Friday night you retained both in the evidence that you gave at the Inquest and in the evidence that you gave before the Magistrates?—Yes, and I do now.

You still retain it?—I do.

Then I need not pursue it, because if you retain it now you will agree that if twenty-four hours was the limit of time, then eleven o'clock on Thursday night is the earliest time at which this poor girl could have been done to death?—Decidedly.

Re-examined by Mr. GILL—I think you said that it was a very dark night?—Yes, it was.

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Dr Ernest S. R. Cadman

And that your examination was made with this acetylene lamp and sitting on the stone. You knew nothing about the stone having any bearing on it at the time?—I did not.

In regard to the post-mortem, I understand you regarded that as a matter to which Dr. Adams had to give special attention? —Yes, quite I did not take any notice at that time.

That was the opinion that you formed at that time. You said something about consistent with Thursday afternoon. Did I understand you to say that?—No, I have not said that.

By Mr JUSTICE AVORY—You did say, in answer to Mr. Cassels, something about the conditions being consistent with death on the Thursday afternoon I took a note that you said, “The conditions were consistent with death on the Thursday afternoon”? —I do not wish to withdraw that because it is so

When you say that you retain the opinion now that the limit of time of death was twenty-four hours from eleven o'clock on Friday night, will you tell me what would you have expected to find different from what you did find if death had taken place on the Thursday afternoon instead of Thursday night—what would you have expected to find different from what you did find?—I can only say that, when we moved the body round, the blood that came out of the left nostril was not congealed, it flowed out, and if it had been longer I should have expected the blood to have been coagulated.

In that case would it have flowed from the nostrils?—No, it could not have done so.

You mean you would have expected the blood which was in the nostrils to have been coagulated?—If it had been a longer time than I have stated.

Dr JAMES ADAMS, examined by Mr. GILL—I am an M.D. and a Fellow of the Royal College of Surgeons and I reside at Eastbourne. I am surgeon to the County Borough Police. I first saw the body of the deceased girl on Saturday, 21st August. I was instructed to make a post-mortem examination. It was at 2-30 I have my notes of the result of my examination available. I found a wound on the right temple It was a small wound of a lacerated character, a short distance from the eyebrow [indicating]. There was an irregular penetrating wound on the lip, and to the left of that there was a smaller wound There was a fracture of the lower jaw [indicating].

What kind of fracture was it? What was the result of it? —There were two teeth attached to the fractured part and there were two teeth gone The fractured part was pressed in.

Would that have been smashed in; was it broken in?—It was broken inwards.

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Dr James Adams

The two teeth that were left being forced in towards the mouth?—Forced in. There was also a fracture of the left side of the upper jaw [indicating].

To produce the results that you saw would it have been necessary that great force should have been used?—Yes. Both the upper and lower jaws are very strongly made bones.

And have great power of resistance?—They require a great deal of force to fracture them.

By Mr. JUSTICE AVORY—A great deal of force must have been used before it fractured them?—Yes; they are strong bones.

Examination continued—Did you find in the orbit a separation of the two bones?—Yes.

Would that be the result of great violence?—Yes.

By Mr. JUSTICE AVORY—Which orbit was that?—The left orbit.

Examination continued—On the left side of the cheek to the temple and extending beyond the ear were the skin and muscles damaged and infiltrated with blood?—There was damage to the skin and also the muscles below, and they were infiltrated with blood extending right up to the temple.

Did you see a photograph that had been taken at the mortuary showing the condition of the face?—I do not think so. I examined the brain. I found congestion on the left side. The organs of the body were healthy throughout. It was the body of a well-nourished, strongly made, muscular girl.

Did you notice something like a scratch or scratches on either of the thighs?—On the inside of the right thigh there were two or three excoriations.

From the result of your examination of the wounds on the head and the condition of the brain, did you form an opinion as to what the cause of death was?—I did.

And it was?—I think shock following on unconsciousness from that severe blow.

Would the injuries that you have described necessarily be fatal? Were they of so serious a character?—No, not of themselves. The result of the injury to the brain on the nervous system caused death.

Would there be unconsciousness?—A blow like that would have produced unconsciousness.

By Mr. JUSTICE AVORY—On which side of the face was it?—The left side.

Examination continued—The injury on the left side must have produced unconsciousness?—Yes.

What do you say was the cause of death?—Death was caused by shock following on injury. The eye which was infiltrated with blood was severely damaged.

Evidence for Prosecution.

Dr James Adams

Supposing the girl was lying with the right side of her head on the shingle and the injuries were caused as the result of a blow of some kind of sufficient force to produce the results on the left side, what would be the effect on the right side of the head?—Well, on the right side one might find a little wound like this from a sharp stone driven down.

Did you see the stone which was found there?—Yes.

Did you see the marks of blood upon it?—I did.

Were the injuries on the left side of the head such injuries as could be caused by a weapon of that kind?—Yes.

At the time you examined the body on the afternoon of Saturday, the 21st, what was the condition with regard to *rigor mortis*?—It was definite and marked on one side.

My learned friend tells me there is a wound which I did not call attention to at the commencement of the examination. You found a wound on the right temple?—Yes.

That was a small lacerated wound. Was there also a wound passing to the right ear about 1 in. externally to the former wound?—Yes

Was it a distinct wound?—A distinct wound.

Did you find that the girl was not *virgo intacta*?—Yes, she was not

On the private parts did you find that the hair had been cut off?—Yes.

Was there signs of menstrual blood?—There was a little in the vagina, and I was shown a diaper.

On 25th August did Dr. Elworthy verify the result?—He made a re-examination.

When you were present?—Yes.

Sir EDWARD MARSHALL HALL—In order to save double cross-examination, my learned friend, Mr. Cassels, and I have arranged to take the witnesses alternately, and if there is any further question perhaps we may be allowed to put it?

Mr. JUSTICE AVORY—Yes.

Cross-examined by Sir EDWARD MARSHALL HALL—You are police surgeon of the Eastbourne Borough Police?—Yes.

You have known Eastbourne a great many years?—A good many years.

I am afraid that the Crumbles have a somewhat unenviable notoriety for the class that frequents it in the shape of men?—I do not know that.

Have you not heard that the Crumbles is a place very much frequented, and that unpleasant things happen?—No, they have not since I have been there, except this one. This one has given it notoriety.

Field and Gray.

Dr James Adams

I am not suggesting that murders go on there, but a good deal of immorality goes on there?—The police can tell you that; that is not my department

It is a lonely place?—Yes, it is a lonely place

But in summer it is pretty well frequented?—That I do not know; it is away from my eye

Then we will confine it to the medical matter. To get rid of one unpleasant matter, when you say that this girl was not *virgo intacta* you have very little doubt she had at some time or other had intercourse with some man?—Yes, there is no doubt about that

Do you say that every wound which you found when you made the post-mortem might have been caused under some circumstances by one blow from that stone?—No, I have not said that.

Do you agree with it?—No, I do not

Did you hear Dr. Elworthy express that opinion?—I do not think I did

Did you hear Dr. Elworthy say that under certain circumstances one blow might have caused all the injuries?—It might have caused the injuries on the left side

How many distinct blows do you suggest there were evidenced by the post-mortem examination?—I do not think it is possible to say. There was a penetrating wound here [indicating] and there was a wound here on the right side. That might have been caused by the body lying on the stones or it might have been caused by something else.

I am not asking you what might be. You are here as an expert. Have you formed any opinion as to how many blows there were?—No; I think some blow was struck before the brick was used.

One blow or more than one?—There may have been more than one. The wound may have been caused on the right side by a blow.

You have heard the description of how the body was found?—Yes.

The right arm bent across, and the body was lying almost on its left side?—Yes.

In your opinion was that body as found in the position it was in when death resulted, or do you think it had been moved?—Well, I think it had probably been moved in the place where it was found and turned over.

You think the body was not in the position in which the fatal injury was inflicted?—I have seen the place. On the raised part, if you imagine the girl was knocked down, the brick was taken and used with one or more blows and then she may have been turned over to be buried.

You are of opinion that if the brick was used it was used

Evidence for Prosecution.

Dr James Adams

in the form of a blow and not thrown?—There is not much difference.

There would be this difference: supposing the brick was dropped from a height like that, a brick weighing 33 lbs, upon a girl asleep in a recumbent position on her left side might you not find every injury that you did find?—You might find all the injuries that were found on the left side, but the penetrating wound in the front of the face I do not think you would find.

Which you say knocked out two teeth and knocked the other two teeth inwards?—Yes

How do you say that was caused?—Probably, but not necessarily, by a sharp instrument—something like a stick with a point.

You must have a point?—Not a sharp point necessarily.

But you must have something of a pointed character?—There would be very little difference on that point; it might have been caused by something of that character.

By Mr. JUSTICE AVORY—The question is, would a blunt instrument struck over the teeth produce such a wound as you found on the lip?—Yes.

Cross-examination continued by Sir EDWARD MARSHALL HALL—
Not a stick with a knob on it?—I should like to see the stick if you want me to express an opinion.

Would you say that the weapon which was used to produce this injury must have been relatively a heavy one?—No, I do not say that.

What I am trying to concentrate your attention upon is this: as I understand it, the effect of the blow was to knock out two teeth and leave the two adjoining teeth driven inwards?—Yes.

They were the lower teeth. The teeth on each side of those four were intact?—Yes.

So that the maximum width of the point could not have exceeded the distance between these four teeth, the two knocked out and the two knocked inwards? Let me illustrate it. The blow knocks out two teeth and leaves two driven in. That must have been inflicted by an instrument which could not have been wider than those four teeth?—No, I think any penetrating instrument.

Yes, but the instrument cannot have been wider than the width of the four teeth?—Of course you are assuming—

I am not assuming anything, I am asking you the question?—You are assuming that the blow on the lip caused the fracture. It may have been the fracture of the jaw was caused by a blow on the upper jaw.

You are going back. You said the only injury which could have been caused here was this blow?—Yes, but I did not say the fracture.

I am not talking of the fracture?—You mentioned the fracture of the jaw.

Field and Gray.

Dr James Adams

I am dealing with the result of the fracture. I understand the result was that two teeth were knocked clean out and two teeth were pushed backwards?—Yes, by the fracture.

Is that caused by a blow on the teeth or a blow from below the teeth?—It could have been caused by a heavy blow with the brick.

Then I need not pursue it?—But I do not say the penetrating wound was caused by a blow with the brick.

You do not call this a penetrating wound?—Yes, I do.

Then, it must have been something not bigger than that [holding up a pencil]?—The wound was bigger than that.

What was the size of this penetrating wound?—It was irregular in shape; it was not quite large enough to put your little finger into.

Does that not show it must have been caused by something slightly smaller than the little finger?—When I said the little finger I meant the forefinger.

You said your little finger and you held that one up?—I mean to say it was quite as accurate to say it was the size of the little finger.

Was it such a wound as could have been inflicted by a stick like that [referring to Exhibit No. 16]?—I think it could have been inflicted by the point of that stick or cut by it; I think it would make that wound.

Do you really suggest that you could make a wound of the size that you could put your little finger in?—I said my forefinger when I corrected myself.

And not cause any other injury to each side?—There was further injury. There was a wound here [indicating].

I understood you to say that was a separate wound?—Yes, but it is quite close.

By separate you mean not caused by the same blow?—That does not follow.

You have indicated two penetrating wounds here. What was the nature of the wound here?—That was not penetrating. That was a lacerated wound and there was a tiny wound underneath this penetrating wound.

None of these wounds could, in your opinion, have been caused by the big stone?—I do not think they were.

I will come back to that in a moment. What do you mean by a penetrating wound?—Right through.

Right through the jaw?—Right through the tissues here into the mouth.

Must that not have been done by a sharp instrument?—No, I have seen an incised wound produced by a tennis racket.

You have not seen an incised wound in which you could put your forefinger?—A wound an inch long.

Evidence for Prosecution.

Dr James Adams

What was the size of this one?—It was irregular.

Can you give some idea? Will you draw on a piece of paper as near as you can the size [a sheet of paper was handed to the witness]?—I am not a good draughtsman. There was one here and a little one here [indicating].

I just want you to show us something to guide us?—Well, like that [indicating on a piece of paper]

May I take it that it was something under half-an-inch in diameter? I notice you are again looking at your little finger?—Well, about half-an-inch in diameter.

[At this stage the sheet of paper with sketch made by the witness was put in and marked Exhibit No. 37.]

And that was a pronounced incised penetrating wound?—Penetrating—not incised.

Have you ever seen that stick before?—It was shown to me at Eastbourne, but I did not look at it closely.

Can you tell me when it was shown to you at Eastbourne?—No, I cannot.

How soon after the post-mortem?—That I do not know. It was after the post-mortem, I know.

Before you gave evidence before the Magistrates?—Yes.

Would you agree that the stick is, for its size, a very light one? Would you expect it, looking at it, to be much heavier?—Yes

Velocity will make up for weight, and weight will make up for velocity, I know, but when you pick up that stick it is much lighter than you would expect it to be?—Yes, it is not a heavy stick.

When you said just now that the fracture of the jaw might have been caused by the stone, there was only blood on one side of the stone?—I have only seen it on one side.

Have you any theory as to where that blood came from? Do you suggest that the stone was in contact with a blood-stained surface for some time?—I do not suggest that. The blow may have been given and the stone immediately taken away.

My lord asked you just now—and that is the point I am upon—supposing that blow was given in the form of a blow and the stone was immediately lifted, you would get no blood in contact with the stone?—You would not get as much, but it would be left there.

Do you think that that is blood which was already flowing, or do you think it is blood caused by the actual injury?—That I cannot say.

It is impossible to say?—It is impossible to say.

Supposing the girl was lying asleep, resting on her left arm and side, and somebody had dropped that stone some few feet

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on to her—first of all it would have killed her?—She was lying on her right side.

She is lying on her left side with her face, of course, exposed, and the stone is dropped from a height of 5 or 6 ft on to her face—that would kill her, would it not, lying on the shingle?—Yes, probably that big stone would.

32 lbs in weight?—Yes, I should think so

Have you any doubt that a stone weighing 32 lbs dropped on the head of a girl asleep on the beach would kill her?—I think it would kill her, yes.

And kill her almost instantaneously?—Very quickly.

There would be no possibility of her lingering?—I would not say there would be no possibility, but I should think, in my opinion, it would kill her quickly. She would become unconscious.

Instantly unconscious?—Yes.

And probably death would ensue in ten minutes at the most?—Within ten minutes or a quarter of an hour

You think the body had been moved. What was there about the position of the body that makes you think that the body had been moved after the girl had died?—Because the injured left side was found below; she was lying on it in that hole.

Do you think that the direct impact of the stone was on the left side of the face?—Yes, I do.

Supposing you are lying just on your arm which is resting on the shingle—it is big shingle?—Yes; it is of varying size

The left side is lying on the shingle and you drop this on to the right, would not the protruding stones cause injuries to your left side?—No, you would find injuries on the right side. A big stone like that dropped on a person lying on the shingle, the injuries would be on the right side—that is if the big stone was dropped on a person lying on her left side.

You think on whatever side the stone was dropped it would have produced injuries on that side?—Yes.

The injuries on the right side may have been caused by the right side coming in contact with the shingle?—Yes

Now, about the post-mortem, you say you found *rigor mortis* still in the right side?—Yes.

That was about forty-seven hours from the Thursday afternoon?—Yes.

When did you know that the critical time with regard to these men was between 3-30 and five?—Well, not until some time after the post-mortem.

You knew on the Saturday morning before you made the post-mortem at the mortuary that four men had been brought down from the Crumbles to identify the girl's body as having passed

Evidence for Prosecution.

Dr James Adams

the hut about 3-30?—Oh no I was asked to make a post-mortem. They did not give me any particulars about that

What time do you say *rigor mortis* commences?—At any time from an hour to six hours after death

In one to six hours you would expect it to commence?—Yes

Is thirty-six hours the extreme duration before pliancy supervenes?—Oh no, it may go on for a week

That is very rare?—You must take into consideration rare cases.

But in the ordinary course in the case of a patient dying in a hospital you get *rigor mortis* within five or six hours, and at the end of thirty-six hours after death you would expect to find pliancy beginning again?—Yes

Assume that this unfortunate girl met with her death at any time between three and five o'clock on Thursday, the 19th, would you not be surprised to find a condition of *rigor mortis* forty-seven hours afterwards?—In this case it was present on the 21st and also on the 25th.

It was still present on the 25th?—Yes

That makes it still more improbable?—I do not know about improbable; it was there. That is all I can say.

Was it complete *rigor mortis* on the 25th or partial?—It was partial.

In what portion did you find *rigor mortis*?—The right arm was very stiff

Did you get complete pliancy in the left?—Yes, but the right knee and right thigh were stiff

The right knee, the right arm and the right thigh were stiff?—Yes

But the whole of the left side pliant?—Yes.

Have you studied the question of blood-clotting?—I have seen blood-clotting.

I am going to ask Dr. Elworthy about that, but I will ask you if you wish?—I do not wish.

You heard the evidence of Dr. Cadman this morning with regard to this effusion of blood from the nostril?—Yes.

That is a very curious symptom in this case if this girl was killed as long back as between three and five on the Thursday—the blood running on the Friday night?—When the body was moved. You get a little like that sometimes.

Dr. Cadman has told us that really what helped him to form his opinion about twenty-four hours being the maximum time was that this blood ran, and he would have expected it would have already coagulated and not run at all. That is sound?—No, I do not agree that the condition of the blood would determine the hour of death.

Field and Gray.

Dr James Adams

You are putting a little more upon me than my question?—I am sorry.

I do not say it determines it, but it is a factor in determining it?—The condition of the blood?

Yes, the condition of the blood?—It is so uncertain; it is so variable.

Do you agree in the case of death blood that has not come to the surface, that is not forced away from the body, is generally in a coagulated condition in ten or twelve hours?—Yes, unless there is something to prevent it.

Even in the case of blood that is effused into the chest you get a very firm coagulum caused?—Yes.

Here we have got a body that had been dead, according to the theory, something like thirty hours, and yet you have got the blood flowing?—When the body was moved.

Blood only flows after death by gravitation?—Yes.

So the blood would only fall to its lower level?—Yes

So if the body is on the left side, you would find the blood running to the left side?—Yes.

Or if the body is on a slant, you would expect it to flow to the lower level?—Yes, if it can.

Would you explain how it was this blood was in this condition?—When the body is moved you will get a bloody discharge, and it is not very often blood, but it is a very fine serum, and it looks like blood

That means that when Dr. Cadman has used the word "blood" he ought to have used "sort of serum"?—Yes.

Was there a difference between you and Dr. Cadman as to the time of death?—I never discussed it with him.

You did not invite Dr. Cadman to the post-mortem; he was not asked to attend?—Yes, he was.

I mean the one when Dr Elworthy was there on the 25th. He was not asked to attend?—No.

There was the other one on the 25th?—A re-examination.

So far as you were concerned, it was a good deal perfunctory, but it was for Dr. Elworthy's benefit?—For his benefit.

For him to verify it?—Undoubtedly.

May I take it, the fact that a second post-mortem was ordered indicated a difference of opinion between two men of your experience?—I do not know that you can.

Did you know that Dr Cadman had said that twenty-four hours was in his opinion the extreme limit of the death?—I heard it before the Magistrates.

You were present at the Inquest. Were you present when Dr. Cadman gave his evidence?—I do not remember that.

You gave your evidence at the Inquest?—Yes.

Evidence for Prosecution.

Dr James Adams

You did not disagree?—I did not express an opinion.

You have never been asked to express an opinion?—No.

But you heard Dr. Cadman say that twenty-four hours was the extreme limit?—I have heard him say so here.

Re-examined by Mr. GILL—I want to understand when you were called in to this matter by the police on the 21st, were you simply instructed to make a post-mortem examination?—Yes.

And that you did?—I did.

Were the injuries to this girl's head, which were inflicted on the left side, of a crushing and bruising and smashing character?—They were.

And must the violence have been on the left side?—Yes, applied direct.

Finding the dead body of the girl with injuries on the left side, and the stone close by, was the stone not an instrument which would have produced such injuries?—Yes.

To reconstruct exactly what took place, or exactly how the violence was applied, would be an impossible matter, I suppose?—Yes, difficult.

When you had made a post-mortem, a few days afterwards Dr. Elworthy came down and saw the body and saw the condition of the body?—Yes.

Had that anything at all to do with any question of difference between you and Dr. Cadman?—Nothing whatever.

You have been asked for your theory as to how this might have happened. Supposing this girl was struck or dazed as the result of a blow, and then on the ground with her left side towards the shingle the stone was used, could the smashing results have been produced?—They would have been produced direct on the left side.

Mr. JUSTICE AVORY—He says the left side must have been uppermost.

Mr. GILL—I intended to say that.

Re-examination continued—After eleven o'clock at night, and at a place like this, with an acetylene lamp, those are not the most favourable conditions under which to make an examination?—No

With regard to *rigor mortis*, my learned friend has asked you what the condition would be in the case of a patient dying in the ordinary way, or a patient dying in a hospital. That is not the present case?—No.

Does the question of when *rigor mortis* is set up, and how long it takes, depend upon a great many considerations?—Yes.

As the result of the post-mortem you found that this was a healthy, well-nourished girl, whose organs were healthy throughout the body?—Yes.

Field and Gray.

Dr James Adams

And it was the case of a young girl killed suddenly?—Yes

Would those matters have a considerable bearing on the question of *rigor mortis*?—Well, some bearing. I mean in the case of a violent death it would come on more rapidly, but there is no rule as to *rigor mortis*.

With *rigor mortis* set up and well established, on seeing the body, whether it was at eleven o'clock at night or whenever you saw it, would it be possible to say definitely when the *rigor* had been set up?—No.

Dr. Cadman has said that blood came from the nostrils that night Is it quite a common thing for moisture of some kind to come from the nostrils after death?—Yes, on moving the body.

Is it a thing that happens when making a post-mortem?—Not apart from an injury—one does not expect to see moisture.

Assuming there had been an injury, might either blood or what appears to be blood ooze from the nostril?—Yes, what I call coloured serum oozing from the coagulated clot.

Is it a thing that may freely take place even after twenty-four hours?—Oh yes, longer.

I think you said *rigor mortis* in some cases may last for days?—Yes.

Sir EDWARD MARSHALL HALL—There is one question I think I ought to ask if I may?

Mr JUSTICE AVORY—Yes.

By Sir EDWARD MARSHALL HALL—When you say there was menstrual blood, you made no microscopical examination?—No; there was the diaper

Yes, I know, but you made no microscopical examination?—No.

Dr. REGINALD ROBERT ELWORTHY, examined by Mr. GILL—I am an M.D., L R C.P., and I also hold other qualifications. I am a pathologist to the West London Hospital. I was asked to go down to Eastbourne, and I went on 25th August and made a post-mortem examination of the deceased girl in the presence of Dr. Adams. I know the result of Dr. Adams's examination as to what the wounds were, and I agree with his description of them absolutely. As the result of my examination, I formed an opinion as to the cause of death. The opinion I formed was that death was due to shock following on a blow or blows to the jaws, the face and head, of considerable violence.

With regard to the injuries to the left side of the face, did you form an opinion as to whether the bruising of the left eye, the left side of the face and head, and the injuries to the jaw and the mouth, could be the result of one blow?—I did.

What was your opinion?—I thought they were probably caused by a blow from a long instrument.

Evidence for Prosecution.

Dr Reginald R. Elworthy

By Mr JUSTICE AVORY—Which injury could have been caused by one blow?—The fracture of the lower jaw, the upper jaw, and the bruising of the left eye and left part of the forehead in the temple region.

Examination continued—All on the left side of the face?—All on the left side of the face, and I might say part of the bruising on that side

By Sir EDWARD MARSHALL HALL—The bruising on the left eye?—Part of the bruising on the left eye, the left forehead and the left temple

Examination continued—To produce the results that you saw on that left side of the face, would great force have been necessary?—Very great force, the greater part of the force being on the lower part of the face

Has the bone of the jaw great resistance?—Yes, it is very strong.

Would such injuries as you are speaking of be likely to be caused by a heavy and blunt instrument?—Yes, they would be.

Would they be properly described as being of a bruising and smashing description?—Yes.

Assuming that the girl had been lying on the right side of her face and head, in contact with the shingle, and the injuries which you have spoken of were caused by a heavy and blunt instrument, would that be likely to cause counter injuries on the right side?—It would be likely to cause counter injuries on the right side

And were some of the injuries which you saw consistent with their having been caused in that way?—I thought both might have been caused that way

I think you have had an opportunity of seeing and examining the iron-stone brick which has been produced, 33 lbs. in weight? Was that an instrument by which the injuries might have been inflicted?—It was

A probable instrument?—A probable instrument.

Having regard to the character of that iron-stone brick and its weight, would it be necessary that it should be lifted very high in order to produce the results, or dropped from any great height?—I do not think so.

Would its weight alone be sufficient?—Its weight alone would be the main factor.

In your view, as the result of your examination, the fatal blow would be the one smashing the left side?—The left side of the face, smashing the jaw.

That would produce unconsciousness, I suppose, instantly?—Instantly.

And death?—The heart might go on a little time longer, but probably it would be immediate.

I daresay you have heard that underneath the place where the

Field and Gray.

Dr Reginald R Elworthy

girl's head was there was blood penetrating over 18 inches into the shingle?—Yes.

That would indicate that there had been bleeding immediately after this wound?—It would.

Would the bleeding from such injuries as you saw involve a spurt of blood, or would the blood well out?—

By Mr. JUSTICE AVORY—Which wound did the blood come from—The blood which had penetrated through the shingle?

Yes, the blood which had penetrated through the shingle Can you say?—If my idea about the position of the body and the extent were correct, the blood would come first from the wound on the right side.

On the left temple?—No, the wound on the ear. That was the bigger.

Extending to the ear?—Yes.

Examination continued—The blood, you say, as the result of the injury to the left side, would gradually ooze out?—From the first moment, yes.

In this case, when the body was found, the side of the head with the injuries was on the shingle?—That is so.

Bleeding in that way. With regard to the blood, or what appeared to be blood, coming from the nostrils of someone who was dead in this condition, would there be anything remarkable in that?—

By Mr. JUSTICE AVORY—When the body is moved, would there be?—No. The same thing happened when I examined the body five days afterwards, or approximately five days afterwards. As soon as the body was tilted out of the shell, blood came out of the nostrils.

Mr. GILL—That was on the 25th?

By Sir EDWARD MARSHALL HALL—Was it blood?—It looked like blood.

Sir EDWARD MARSHALL HALL—It looked like blood!

Examination continued—Have you known that happen at post mortems? Have you observed that?—Very frequently when there is head injury.

Dr. Cadman says that when he saw this body between eleven and twelve o'clock at night *rigor mortis* was well established at that time?—Yes.

Once *rigor mortis* is well established, is it a possible thing to say when it commenced or how long it has lasted?—No, up to a point it is impossible.

Will *rigor mortis* last sometimes for a considerable period?—It will last sometimes for a considerable period when the body has been killed suddenly and the tissues are healthy.

Evidence for Prosecution.

Dr Reginald R Elworthy

The result of the post-mortem in this case discloses that this was a well-nourished girl with the organs healthy throughout the body?—Yes.

And it is obvious that she met with a very sudden death?—That is my opinion.

With this condition, may *rigor mortis* last for a considerable time?—Yes

By Mr JUSTICE AVORY—Can you put any extreme limit upon it?—It depends upon the external temperature largely. I do not think the external temperature was very high then, and I have seen cases that have lasted six to eight days.

Examination continued—With regard to the injuries on the right side of the head, would one of those injuries be consistent with a separate blow?—Quite consistent.

A blow of sufficient force to stun or daze the person on whom it was inflicted?—Yes.

Mr JUSTICE AVORY—You have not asked the witness whether he agrees with Dr Adams that on 25th August, when he examined the body, *rigor mortis* was still present.

Examination continued—When you saw the body on the 25th, was there evidence of *rigor* still existing?—Yes, partially existing still.

You say the injury to the right side was consistent with such a blow as would stun or daze the person on whom it was inflicted?—Yes.

Assume in this case the girl was knocked down as the result of a blow of that kind, then with the right side of her head upon the shingle the injuries on the other side could be caused by the heavy stone?—She was on her right side.

The injuries on the left side of her face could be caused by the heavy stone?—Yes.

Supposing that she was knocked down and stunned and then dragged a short distance into a lower part of the hole, would that possibly account for the disarrangement of the dress and the loss of a shoe?—Oh, quite well.

At the time the body was found, it was the left side of the face that was in contact with the shingle. You may take that as a fact. Must the body therefore have been in some way turned over after the stone was used or in the burying of it?—Yes.

Tilted over?—Yes, tilted over.

Cross-examined by Mr. CASSELS—25th August was the first time you had seen this body?—Yes.

Some of the evidence you have given us to-day is the result

Field and Gray.

Dr Reginald R. Elworthy

of your own observations made at the time when the post-mortem took place?—Yes.

The rest of your evidence, of course, is an expression of opinion upon what you have been told and your own knowledge of medicine?—That is right.

Was there anything at all about your post-mortem examination upon the 25th which would enable you to say anything of value as to the time of death?—No, nothing.

So far as your examination on the 25th is concerned, it does not enable you to contribute at all to our information as to the time of death?—In no way.

I want first of all to ask you about the injuries. Is it your view that the breaking of the jaw was brought about by the stone?—By one part of the stone.

Is it your view that the wound upon the right ear was brought about indirectly by the stone?—You mean by coming into contact with the shingle?

Yes. It is your view, is it not, that some wounds may have been caused by a stick?—Yes, some wounds and perhaps some of the bruising.

But I think you go as far as to say that if caused by a stick it would be a stick without a knob?—Yes, I think I did say that.

You did say that and you still say it?—May I correct it? The bruising might have been caused by a stick with a knob.

Which of the bruises in your view might have been caused by a stick with a knob?—There was a large area of bruising on the left side of the forehead and behind in the left temple region. I meant that there may have been two bruises there [indicating back part of left temple region], one of them disguising the other. Part of the bruising might have been caused by a stick with a knob.

Of course if that view was to prevail, it would mean that the wounds could not have been caused by the same stick?—That is so.

Of course that is only a view that you put forward with regard to these bruises. They may have been caused by the shingle?—Which bruises?

The bruising at the back?—No, I do not think that could have been caused by the shingle.

Then is your opinion strong enough to say that a stick must have been used to produce the bruises you found?—No, I think the bruises may have been caused by the brick.

To sum up, so far as the stick is concerned, it is extremely difficult for you or any other doctor examining at the period when you examined to say whether the bruises you have spoken

Evidence for Prosecution.

Dr Reginald R. Elworthy

of were caused by the stone or by the stick?—Yes, it is very difficult to be exactly certain

One or the other, I agree, you can say, but which it would be it is extremely difficult to say?—Yes.

You have already expressed the view that death was instantaneous?—With the reservation that the heart may have gone on a little time longer.

Unconsciousness and then death within a few moments?—A few minutes.

I think you said ten minutes. Death following injury ten minutes afterwards you would not medically describe as instantaneous?—No, not medically.

Your view that the body must have been moved—and of course it may have been—is just based on what you have been told?—Yes, slightly moved.

Do you mean the whole of the body or only part of the body?—I mean the head would remain in the place where it originally was, but it would have been certainly turned over. The body may have made a bigger movement. The legs may have been pulled round the circumference of the circle, the head being the centre of the circle.

Now I want you to tell us about the body. This, of course, you can only tell us from what was observed by others?—Yes

Do you agree that Dr. Cadman was in the best position to form an opinion, inasmuch as he was the first doctor called on the scene?—I must again repeat he should have been.

We will leave it at that—he should have been. You, of course, are familiar with the conditions under which Dr. Cadman made his examination. He would have no difficulty in discovering that the body was cold, so far as the surface was concerned?—No, if he put his hands all over it

He would have no difficulty in discovering that the *rigor mortis* was well pronounced?—No.

Have you heard of any examination in this case to discover the temperature of the inside of the body?—No, none at all

Would it have been important to have made such an examination?—It would have thrown much more light on the matter.

It might have been made, I take it, on 21st August when the first post-mortem examination was made on the Saturday?—Or at night when Dr. Cadman was there.

It might even have been helpful if it had been made on the 21st?—Yes, it might have been; probably both observations would have helped

By Mr. JUSTICE AVORY—Would there have been any temperature at all at 2.30 on the Saturday?—It all depends on when the body was killed or when the body died.

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Dr Reginald R. Elworthy

Supposing death took place on Thursday night at eleven o'clock?—Yes, I have recorded temperatures as long as thirty-six and forty-eight hours after death—internal temperatures. By internal temperatures I mean a slight difference above the air temperature

When I said it could be recorded I meant that?—Yes

Cross-examination continued by Mr. CASSELS—It is air temperature you are talking about?—Yes.

The time for the body to get to the coolness of the atmosphere?—Yes.

The medical view is that in the case of the sudden death of a healthy person the cooling takes longer than the cooling of a person who has died from disease?—That is so.

That is the medical view?—Yes.

And that is pretty well supported by a lot of observations?—Yes.

I want to ask you about internal temperature. Of course that can only be recorded by a thermometer and not by the hands?—Yes.

When you say that cooling takes longer in the case of the sudden death of a healthy person can you give us any views as to how much longer?—Shall I quote experience of my own or authority?

Give us your own views; it is your evidence we are taking?—Under conditions which are fairly well known in the dead-house of a hospital or mortuary, which is not kept cool in any way by ice, and given a range of temperature from 40 to 53 degrees, a body clothed, brought in from the street, and covered with a cotton pall, the cooling in my experience has averaged twenty-four hours.

In twenty-four hours it gets cool?—It loses the signs of superficial heat.

Would the presence of a body in the open on shingle, though buried in the shingle to the depth we have heard of 6 to 8 ins. in this case, be a condition calculated to prolong the cooling longer than the conditions in the post-mortem room, or shorter?—You must think of it both in the day and in the night.

If you have twenty-four hours, you are able to think of it both in the day and night, because you get both?—Yes. I consider a little shorter.

You consider it is a little shorter because of the conditions in the shingle?—Yes

By Sir EDWARD MARSHALL HALL—That means it cools a little quicker?—It cools a little quicker.

Cross-examination continued by Mr. CASSELS—You have told

Evidence for Prosecution.

Dr Reginald R. Elworthy

us that on the 25th when the body was turned out of the shell moisture or liquid of some sort came out of the nostrils?—Yes.

You would not mistake that for blood; it would be serum?—No, that was decomposed blood I saw.

Was it in liquid form?—Yes.

Was it blood?—Decomposed blood.

Did you examine it at all?—Only by my eye.

Was it the blood which had come from the previous post-mortem?—Yes, it was.

Does serum coagulate?—No.

Coagulation of blood, in estimating the length of time that a body has been dead, is of some importance?—But the range is very big and the intensity very variable. Some people's blood clots much more readily than others.

In the internal veins?—The blood in the veins may remain liquid for many hours after sudden death, and also in some of the cavities

It may remain liquid for many hours. Can you give any extreme limit for that?—It is very hard to give an extreme limit, because, as a matter of fact, I have not made notes on that.

Would not about twenty-four hours be the very outside limit for that, assuming that it was blood?—Yes, but there are two features always. One is absolute coagulation, which means that the blood is absolutely stiff—consolidated in the vessels—and that coagulation may be serum or blood. If it is serum you may have liquid blood.

With regard to *rigor mortis*, is that delayed in the case of a sudden death of a healthy person?—Not as a rule.

Is it protracted longer in the case of the sudden death of a healthy person?—Yes

What is the medical knowledge about that—to what extent is it protracted?—In the case of the sudden death of a healthy person as against that of a diseased person, that depends upon the temperature to a large extent.

Has temperature much to do with *rigor mortis*?—In this respect, that it disappears when decomposition comes on.

On the 25th had decomposition come on?—It was beginning.

Does it assist you at all to arrive at an opinion to know that on the 20th *rigor mortis* was more pronounced, and at 2-30 on the 21st *rigor mortis* had relaxed in half of the body?—No, that is a very difficult problem.

If the evidence in this case had been that Irene Munro had been seen alive on Friday afternoon at, we will say, one or two o'clock, would there have been much difficulty in discovering medical views to support the condition in which she was found by Dr. Cadman?—Would you mind repeating that?

Field and Gray.

Dr Reginald R. Elworthy

By Mr. JUSTICE AVORY—May I suggest a more simple way of putting it? Were the conditions in which she was found according to the evidence of Dr. Cadman at eleven o'clock on Friday night consistent with her having been alive at one o'clock on Friday?—In my opinion, no.

Cross-examination continued by Mr. CASSELS—How far back would you take the consistency of those conditions from the middle of Friday? Take Friday morning at eleven o'clock. That would be twelve hours back?—That is too early.

Let us try eight o'clock on Friday morning?—I think she would begin to show signs of complete loss of temperature about then, and her rigidity would be pretty well pronounced.

That is fifteen hours before Dr. Cadman saw the body. You think that coolness would have set in and also rigidity?—I do not say it would have been complete. There would have been a degree of coolness.

Let us go back further. Try the early hours of Friday morning, say, between twelve o'clock and two o'clock, and darkness?—I should think she would have been quite cold superficially.

And the *rigor mortis* well pronounced?—Well pronounced.

Now we will go still further back and we will try between the setting in of darkness upon the night of 19th August and midnight of that day. Take it at 9 30 if you like?—9 30 to when?

9.30 to midnight of 19th August. That would be putting it from twenty-three to twenty-seven hours before Dr. Cadman examined the body?—She would then be in exactly the same state as when she became cold and rigid; no one would be able to tell any difference at all.

Now I will go back to the theory of the prosecution—

Mr. GILL—She is alive at 3.30.

Cross-examination continued by Mr. CASSELS—Between three and five o'clock, we will say—somewhere between thirty and thirty-two hours?—Exactly the same condition. Going back from the time?

Yes, going back from the time. Relaxation of *rigor mortis* is of no value at all as to the time of death?—None.

None at all?—No.

Given whatever conditions you may have, it is of no value?—No close value; it varies too much.

At any rate you will agree that there is nothing you or Dr. Cadman have discovered in this case that is inconsistent with death between 9.30 on Thursday night and two o'clock on Friday morning?—No, I agree with that.

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Cross-examined by Sir EDWARD MARSHALL HALL—Supposing you had said that you had found blood and that the blood had not congealed, you would mean that it was the blood that was not congealed and not the serum?—Serum is an after effect.

When a medical man talks of blood not being congealed, he means blood?—He certainly should mean blood.

Re-examined by Mr. GILL—Were the conditions which my learned friend has put to you at varying hours—the conditions which you are aware of now at the time that Dr. Cadman saw the body—quite consistent with death having taken place between 3.30 and five on the Thursday afternoon?—They were quite consistent.

With regard to the cooling of the body, might the fact that the body was that of a young healthy girl killed suddenly and covered over with shingle delay the cooling?—It would certainly for a time of the twenty-four hours

ALBERT HENRY HOOKHAM, examined by Mr. GILL—I reside at Handyside, Hampden Park, Eastbourne. I am employed by the County Borough of Eastbourne to do work as observer of the meteorological conditions, and I keep a record of them. The record of the rainfall from 9 a.m. on the 19th till 6 p.m. on the 19th is 0.03 in. From 6 p.m. on the 19th till 9 a.m. on the 20th it is nil. From 9 a.m. on the 20th till 6 p.m. on the 20th it is 0.08 in. The record of sunshine for the 19th is four hours, and for the 20th it is 8.7 hours.

Cross-examined by Sir EDWARD MARSHALL HALL—What was the grass temperature at six o'clock on the 19th?—The grass temperature is not taken. The minimum is taken from 6 p.m. till 9 a.m. the next morning.

You only get the minimum?—Yes. From 6 p.m. till 9 a.m. the next morning the lowest temperature was 41.8.

That is rather low, below the average?—I cannot give you the average; I am sorry it is not recorded.

What was the day temperature from 9 a.m. on the 20th till the next time you took it, namely, six o'clock?—62 degrees.

The 20th was not a warm day?—It was just below the average.

Can you tell me whether the afternoon of the 19th was a warm afternoon?—The maximum for the day was 63.8

JOHN WEBSTER, examined by Mr. GILL—I am the Official Analyst to the Home Office, and I am connected with St. Mary's Hospital, Paddington. I examined the stone produced. It was

Field and Gray.

John Webster

handed to me on 2nd October by one of the East Sussex Constabulary and I was instructed to examine it.

Will you tell my lord and the jury the result of your examination?—On the one surface which I marked "A" in blue pencil were large areas of red staining having the appearance of blood, and near the centre of this surface there was an area of about 2 ins. in which there were small quantities which appeared to be clots of blood, and between the large area and one end of the brick there were other similar stains rather smaller and also small, and fainter areas between that and the end of that surface.

Did you examine the stained areas for the purpose of ascertaining whether they were in fact blood?—I did

What was the result of your examination?—These stains consisted of blood, and a microscope showed the blood to be mammalian, and a further test that I did proved, in my opinion, that it was human blood.

All these stains of blood were on the one surface?—On the one surface only

Mr. JUSTICE AVORY—Did you weigh it?—I did not weigh it; I simply measured it. I think the weight has been given.

MARTHA BAULCOMB, examined by Mr. WHITELEY—I am the wife of Charles Baulcomb, and I live at 1 Norman Cottages, Wartling Road, Eastbourne. I know Mrs. Wynniatt who lives at 393 Seaside. That house is just round the corner quite close to my house. She came to my house on Monday, 16th August, and in the evening of that day a young girl came to my house and slept in it that night. She came in that evening between 9.30 and ten o'clock and went straight up to bed. I do not know what time she got up in the morning, but I know that she left my house between 9.30 and ten in the morning. That was all I saw of her.

DOROTHY DUCKER, examined by Mr. GILL—I was employed at the Albemarle Hotel, Marine Parade, Eastbourne, in August of this year. The Albemarle is on the Front and is at the commencement of Seaside. The hotel part is in the front, and at the back there are two bars, a public and a private bar, which can be entered from Seaside. The two bars in the front are divided by a partition, and there is a place in the partition that can be opened so that you can use either the public or the private bar. There was a girl named Elsie Finley also employed there.

I know the two men in the dock, Field and Gray. I first noticed them coming to the Albemarle about a fortnight before 19th August. They were mostly together. Up till 19th August I knew them by the names of Billy and Jack. I did not know of

Evidence for Prosecution.

Dorothy Ducker

any other names. They mostly came to the public bar. When I first noticed them coming to the Albemarle Gray was dressed in a grey suit and a trilby hat. The other man was dressed in a dark suit and a dark cap and brown shoes. Up till the morning of the 19th I had never seen Gray dressed in anything different. As regards Field, I saw him wearing a straw hat on three occasions. We opened at twelve and remained open till 2.30. I had no reason to pay particular attention to them when they came in before the 19th, but I should say it was sometimes at twelve o'clock, the time we opened, and sometimes towards one. I also saw them in several times in the evenings. They used to remain a good time when they did come in. During the first week they were coming about the hotel they used to converse just a little, but after the first week Gray used to be continually asking me to go out with him to the pictures and I refused. It was usually just after 2.30 when he asked me. I never consented to go with him. We served beer cheaper in the public bar than in the private bar. That applied both to draught beer and bottled beer.

Thursday was my day off. I remember Thursday, the 19th, quite well. The house opened as usual at twelve o'clock. I was there I saw both of the accused on that day. They came in just after twelve o'clock. They were both together. They came into the public bar. Gray was dressed in a grey suit and trilby hat, and Field was in a dark suit, dark cap, and brown shoes. They remained in the bar until about one or just after. When they came into the public bar, they generally got up in the corner. They did so on the 19th. I will not swear for certain what they had to drink between twelve and one, but I think it was either one or two bitters before lunch. That would apply to each of them. Bitter beer is dearer than ordinary beer. During the time they were there I had conversation with them both. First of all, they asked me if I had any biscuits. I said, "What do you want biscuits for?" It was Gray who asked me that.

Will you give us a repetition of the conversation?—As far as I can I will. Gray asked me, "Have you got any biscuits, Dolly?" I said, "What do you want biscuits for when you are just going to your lunch?" He said, "It is not for me, it is for my dog." I said, "Well, where is the dog?" and he held up the handle of a stick. As far as I can remember, it had a bulldog's head on it.

[At this stage the stick was produced and shown to the witness.]

I think that is the stick, but I would not swear to it, because he did not hold it up long enough for me to have a good look at it.

By Mr. JUSTICE AVORY—It was something like that?—Something like that.

Field and Gray.

Dorothy Ducker

Examination continued—It was something that had a dog's head on it, was it?—Yes, it had a dog's head on it. During the rest of the time between twelve and one they were laughing and joking and talking to me.

By Mr. JUSTICE AVORY—Did they pay for all they had between twelve and one?—Yes.

Examination continued—They went out together just after one and came back just before two, or it may have been two o'clock, I did not notice the time. At any rate it was about two. They came into the same place. Gray called for a bitter for each of them, and then about 2.15 they made a remark and asked me if I would go to the pictures with them.

Do you remember which of them it was?—Yes, Gray asked me. I never had much to do with Field. Of course I declined again. After that they called for two beers. That meant that they were going from bitter to beer, which is cheaper. The one is $2\frac{1}{2}$ d and the other $3\frac{1}{2}$ d.

Keep your mind on that. Was anything said by them, or either of them?—Yes, they drank the beer—they did not say much in between that time—and then they said, “Can we have a buckshee, Dolly?” That means having one without paying for it

Did either you or Finley say anything when they said that?—They said, “Can we have a buckshee, Dolly?” and I said, “No, of course not,” so he said, “Well, will you come to the pictures this afternoon?” Again I declined. It was Gray who asked me. Then he said, “Very well, if you wait till the evening we shall have more money by then.” I said, “What, hard up again?” And Gray said, “Well, you know I am out of work and my pension is small.” When they were drinking bitter beer two beers would come to 7d. I do not remember anything more taking place before closing time. Time was called at closing time and they went out just after we called time. That would be about twenty-five minutes to three—just after half-past two. They were still dressed in the same way as they had been earlier in the day.

Before they went out did either of them say anything as to whether they would come back or not?—They said that they would come back at 6.30 in the evening, would I go to the Hippodrome with them in the evening. I said no. In the evening at 6.30 I was on the customers' side of the bar dressed ready to go to the Hippodrome. I was sitting in the front part of the private bar, on the public side, waiting there before going to the Hippodrome. The two accused came into the public bar and I saw them through the mirror. Miss Finley was serving behind the bar. She went in the direction where they were and they asked her where I was. I heard them say, “Where is ‘Fairy’ to-night?” “Fairy” is

Evidence for Prosecution.

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a nickname; they used to call me "Fairy" in the bar. Miss Finley told them I was there and they came right round to the private bar where I was sitting. Gray asked me to have a drink.

Do you remember what he said?—He said, "Will you girls have a drink?" and, of course, we both said yes. I said I would have port wine and Miss Finley said that she would have a whisky and splash. I think the price of a glass of port wine would be a shilling and the whisky and splash 10½d. They had bottled beer, but I cannot say what it was I never knew them to have bottled beer before.

When they came into the private bar and asked you to have a drink, and so on, did you notice any change in their appearance?—Yes, I remarked about it.

What did you say?—I said to Gray, "How dirty you look, Billy." He said, "Yes, my friend pushed me in the water this afternoon," and that he had not got his clothes dried by six o'clock.

What was the change in the appearance?—what had happened to him?—He had a dark suit on, a dark cap, and his boots were filthy dirty.

Did that very much change his appearance?—Yes. I had never seen him in those clothes before.

Had you ever known him change his clothes on any other occasion?—Never.

When he said his friend had pushed him into the water that afternoon, did he say where he was at the time?—Yes, he said he was on the beach.

Did Field say anything when Gray spoke about it?—No, he just smiled; that was all.

Did you see him smile?—Yes, I saw him smile.

When the drinks were ordered and paid for—the glass of port, the whisky and splash, and the two bottles of beer—do you remember who paid for them on that occasion?—Yes; Gray paid for them. The two bottles of beer would cost 1s. 5d. Then they gave us a cigarette each. One of them took out a box of Turkish cigarettes and offered us one each.

Did you notice what kind of box it was?—I will not swear to the box, but I know it was a jolly good cigarette. I will not swear to the name of it.

Did Miss Finley say anything about it?—Yes, she made a remark about the brand of the cigarettes—about it being a good cigarette.

Did either of them say anything to that?—Yes. Gray said, "We can have a good cigarette sometimes if we want to." They used to buy cigarettes from me—either Woodbines or Gold Flake. I never knew them to smoke this kind of cigarette before. They

Field and Gray.

Dorothy Ducker

then asked me if I was going to the Hippodrome with them and I said no. The Hippodrome performance commenced at seven o'clock. I left the place about 6.45 so as to get there before the show opened. I went away leaving them both in the house. I think it was the circle of the Hippodrome that I went to, but am not certain of the name of it. I paid somewhere about 2s for my seat. While I was sitting in there, I noticed the two accused sitting about four seats behind me. They were together I remember looking round at the interval, but they had gone I sat there until about 8.45. The performance was over just about nine, but I had to be on duty, so I left a little before nine and went back to the Albemarle. That was the last I saw of the accused that night. I knew a man named Thompson, a corporal, who used to come into the Albemarle. When I heard of the murder, I had no knowledge of the existence of people named Field and Gray. I remember some little time afterwards seeing both the accused outside the Albemarle on a Thursday.

By Sir EDWARD MARSHALL HALL—It was a Thursday, was it?—Yes, because I was off duty.

Mr GILL—It would be the following Thursday, because it was the 26th.

By Mr JUSTICE AVORY—Do you mean it was the following Thursday, the 26th?—I am not certain about that.

Examination continued—When you saw them, was it outside the house?—Yes, just outside the hotel door.

Had you in fact missed them through their not coming back into the house?—Yes.

Seeing them both outside the house, did you speak to one or other of them?—Yes, I spoke to both of them. I said, “You have not been into our place lately,” and they both turned round and said, “No, didn’t you hear that we had been detained for this murder?”

Did you know at that time that two men named Field and Gray had been detained?—Yes.

When they said that they had been detained, what did you say?—I said, “Oh, you are Field and Gray then?” They said yes, and I said, “Well, somebody has been up at the hotel inquiring about you.”

In fact, somebody had been there inquiring about Field and Gray whom you thought you did not know?—Yes, they had been to the governor.

Did either of them make any reference to the preceding Thursday night?—No. I turned round and said, “You do look dirty,” and he said, “Yes, my clothes are up at the Town Hall,” and he said his stick and his watch were up there.

Evidence for Prosecution.

Dorothy Ducker

Do you remember who said that?—Gray—well, they both said it in fact. Field said his watch and stick were up at the Town Hall, and Gray said his suit and hat were up there.

Was anything said about the night of the Hippodrome?—Yes They asked me if I remembered them coming in on the Thursday, and I said, “ Of course I do. You asked me to go out with you ”

After that did you notice Field in your bar at all?—Yes, he came in again then.

Did he come in at that time immediately?—Yes, because I asked him to come in and talk to Miss Finley

Did they both come in?—Yes, they both came in

Do you remember any occasion, before they were arrested, Gray being in the bar?—Yes

Tell me what it was that happened when he was there?—He was sitting in the private bar and somebody said, “ Have you seen the latest about the murder, Dolly? ” and I said no.

Was this in his presence?—No, he was in the private bar and this happened in the public bar. The customer gave me the paper and I took it up to Gray and said, “ Have you seen the latest about the murder, Gray? ”, and he said, “ No, I have been looking for it all night, ” and he snatched the paper from my hand and read it and went out.

Had you said anything to him as to what was in it?—No, I never read the paper to him

Did you ever see him again after that?—No, not so far as I remember.

Cross-examined by Mr. CASSELS—For how long before 19th August had you been at the Albemarle Hotel?—I was up in the saloon at first and then I went down to the private bar to serve down there on my own account.

For how long before 19th August had you been at the Albemarle Hotel?—That I can hardly tell you.

Was it three months?—No, more than that.

Four or five months?—About four; I cannot say to the exact time.

I suppose you serve a very large number of customers in the season?—Yes.

Would the public bar be busier than the private bar?—That I did not notice.

There would always be a fair number of customers in?—Yes, because the season was on.

For a fortnight before Thursday, 19th August, these two men had been frequent customers?—For about a fortnight before the 19th. I do not remember them until about a fortnight before the 19th. They seemed to come in all of a sudden.

Field and Gray.

Dorothy Ducker

It was during the fortnight before 19th August that you noticed them particularly?—Yes.

And had frequent conversations with them?—Well, after the first week.

More particularly with Gray than with Field?—Yes

But Field would take part in some of the conversations?—Very seldom.

Joking with you?—Gray used to.

In fact paying you what you call rather marked attention?—Yes.

Which you did not like?—No, I did not.

Can you remember any of the conversations that you have had with either of these two men upon any other day than 19th August?—No, only asking me to go to the pictures.

Nothing else?—No, not so far as I can remember—only several times he said he was short of money; that was the only thing.

Who said he was short of money?—Gray.

But 19th August is an occasion when you are able to pick out conversations which you recollect?—Yes.

Did they visit the house on the Friday after 19th August?—That I cannot say.

Could you go so far as to say that they did not?—I would not say either way.

And on the Saturday?—I would not say either way.

Upon other days than 19th August, did they visit your house during the day time as well as in the evening time?—Yes.

And buy drinks for themselves?—Yes, sometimes.

And buy drinks for other people?—That I did not notice.

You would not go so far as to say that they did not?—No, I would not say either way.

And stood you drinks before?—They have asked me, but I have never had them.

Stood Elsie Finley drinks before?—I do not know.

Had drunk bottled beer before?—No.

Had you always served them?—Very nearly always when I was on duty.

Among all the customers that you have served in the Albemarle, are you prepared definitely to say that never before 19th August had you ever sold bottled beer to these two men?—Yes, I am prepared to say it.

Although there was nothing particular for you to notice about what they had to drink?—No. I had never seen them drink bottled beer before.

Had you noticed that on a Thursday they generally spent more money than upon other days?—No, I had never noticed.

Did you know that Field was out of work?—Yes.

Evidence for Prosecution.

Dorothy Ducke

Did you know that Field was in receipt of unemployment pay?—
No.

Did you know that Field got his unemployment money on Thursdays?—I did not know what happened on Thursdays.

There was nothing to distinguish Thursday from any other day of the week?—No, only that Thursday was my day off—that was the only thing.

There was nothing to distinguish Thursday from any other day so far as they were concerned?—No.

Take the middle of the day on that Thursday. In whose possession did you see the stick?—In Gray's.

Would it be wrong for anybody to say that you had seen it in the possession of Field?—Yes, because I had never seen the stick before.

You said so yourself, did you not, at the Police Court, that you had seen it in the possession of Field?—No I had never seen the stick before until I was shown it at the Coroner's Court.

I want you to explain that answer. I do not want to take it from you as catching you. You referred to an incident when you saw it in the bar?—I saw Gray with it, but never Field.

Then you referred to it again at the Police Court?—At the Hailsham Court.

You know at the Coroner's inquiry you gave evidence and said not one word about the stick?—No.

You never said a word about the stick?—I never mentioned the stick.

Was that one of those little incidents of which you had such a recollection on Thursday, 19th August, which you had forgotten?—No, I did not forget it—I must have forgotten, but I only answered the questions I was asked at the time.

Do you think you had forgotten it?—I did not take any notice of it, to tell you the truth.

Are you sure that the incident that you are referring to about the stick and the biscuits was not a week before the 19th and not on the 19th?—It was on the 19th, because it was just before he asked me to go out with him.

Had he never asked you to go out with him before?—Yes, he had asked me to go out with him the week before that.

Then it would not be the fact that he asked you to go out with him that fixed this stick in your mind?—No, because he asked me just before he went to lunch at twelve if I had any biscuits for his dog.

It was a usual occurrence for him to ask you to go out with him and you were always refusing?—Yes.

Do you still say that that incident did not happen a week before 19th August?—It did not.

Did you say at the Police Court, "I can only remember seeing

Field and Gray.

Dorothy Ducker

the stick in Field's possession during the dinner time?"?—I did not say Field; I said Gray.

That must be a mistake?—Yes, that is a mistake.

Mr JUSTICE AVORY—In examination-at-chief at the Police Court she said it was Gray.

Cross-examination continued by Mr CASSELS—So far as Field is concerned, was he in the same clothes in the middle of the day and in the evening and at the Hippodrome?—Yes, the same clothes all the time

No change at all?—No change whatever.

His conduct upon each of those occasions was just the ordinary conduct that you had been accustomed to?—Yes

You saw nothing different at all?—No, nothing strange at all about him

Your observations of these two young men upon Thursday, 19th August, were unusually particular, were they not?—They made themselves so conspicuous on that day.

On both occasions?—In some respects, yes.

Is your recollection so good as to enable you to remember that they were there when you got back from the Hippodrome?—I cannot remember; I cannot say.

Did you see Billy the Red Cap that night?—I saw him outside the Hippodrome; I do not remember seeing him inside

Did you see him in the bar of the Albemarle?—I cannot remember

It was a busy night that Thursday?—Yes, it was a busy night because it was August.

It was so busy that although Thursday was your day off you had to go back again to the Albemarle after being at the Hippodrome?—Yes.

How far is the Hippodrome from the Albemarle?—Three minutes' walk.

Do you get any of the Hippodrome crowd?—Yes, some of it.

Are there two houses at the Hippodrome at night?—Yes.

In the interval between the first and the second house you are fairly busy?—Yes.

After the performance you have to go back again to serve behind the bar?—Yes.

Out of all the occasions upon which you saw Field and Gray, are you able to pick out Thursday, 19th August, as the time when Field smiled?—Yes, because of the remark that was made.

Had he never smiled before?—Yes, of course he had.

And smiled afterwards?—After when?

After Thursday, 19th August?—I do not remember seeing him again

Did you not say you saw him again when you said, "You are

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Field and Gray?"—I mean in the bar. That was when I asked them to come in, but I do not remember him smiling. I did not take that much notice of him.

Cross-examined by Sir EDWARD MARSHALL HALL—When did you hear of the death of Irene Munro?—I heard of it on the Saturday afternoon

From Saturday, the 21st, until certainly for some days after that it was almost the sole topic in the papers down there, was it not?—Yes.

It made a great sensation?—Yes.

I suppose you read the papers?—Yes.

And read about what the police were doing, and saw portraits in the papers and statements about motor cars and men being suspected and wanted, and so on?—Yes

And all sorts of rumours flying about? It even went so far as a sort of spiritualistic seance on the beach?—Yes.

The interest in it was intense?—Yes, I think everybody took an interest in it.

May I take it that at that time it was almost the sole topic of conversation in Eastbourne?—Yes.

You say you cannot fix whether it was Thursday, the 26th, or the following Thursday, which would be 2nd September, that you saw Field and Gray again?—No, I cannot swear to that

What do you think? Tell us?—It may have been the Thursday afterwards. I will not swear to that.

Anyhow, until that Thursday there had been nothing brought to your mind or to your knowledge to connect the men we now know as Field and Gray, whom you then knew as Billy and Jack, with the murder?—No.

You knew Billy and Jack?—Yes.

They had been in your bar like a great many other people?—Yes.

Until you knew that Billy and Jack were Field and Gray, there was nothing to concentrate your attention upon them in connexion with the murder?—Nothing whatever.

When did the police first come to you?—I think on the Tuesday or the Wednesday.

On the Tuesday or the Wednesday after you first heard of the murder?—Yes, they came to the governor's office.

You saw the police?—I saw Detective Wells.

Do you really say that not having your attention called to the fact that Billy and Jack were Field and Gray until at least a week, and possibly a fortnight, after 19th August, you can pledge your word as to what took place on the 19th?—It was the week

Field and Gray.

Dorothy Ducker

afterwards, because they had only just been let out after being detained.

Well, assume it was the week afterwards. Not having had your attention drawn to it until a week after, do you still say you are positive with regard to every incident you have put down as having taken place on 19th August and not on some other day?—Yes.

A matter I must press you about is the question of this stick Gray had a stick in his hand with a bulldog's head on it, or something of that sort, you say?—Yes.

And in fun he said to you, "Will you give my little dog a biscuit"?—No, he asked me if I had got any biscuits for his little dog.

I put it to you that that did in fact take place, but that it took place about a week before the 19th?—It took place on the 19th.

That you are positive of?—Absolutely

When did you first know that it was of any importance for the police to ascertain whether Gray or Field had a stick in his possession on the 19th?—I tell you I was talking about it in the bar, and somebody questioned me and they asked me to go up to the Town Hall the next morning.

When was that? Do you know when the inquest began?—Yes.

It was long after the Inquest began?—It was just before I had to appear at the Court.

That was Monday, 6th October. Did you give evidence at the Eastbourne proceedings before the Coroner?—Yes

Mr. GILL—The first inquest was opened on 23rd August and adjourned till 6th September, and then resumed on the 20th, 21st, and 24th September.

Mr. JUSTICE AVORY—According to the original depositions here, if it helps you, the evidence of this witness, Dorothy Ducker, appears to have been taken on 21st September.

Cross-examination continued by Sir EDWARD MARSHALL HALL—That is what I was going to put. [To witness] It was on 21st September that you gave evidence before the Coroner?—Yes.

You have already told my learned friend, Mr. Cassels, that when you gave evidence on 21st September before the Coroner you never mentioned anything about a stick?—No, I never mentioned it

Can you tell me whether it was before or after that that you were asked to go up to the Town Hall?—Afterwards.

So that it was not until after 21st September you were asked anything about a stick?—That is so.

Were you asked about a stick?—No.

Were you told about a stick?—No. I had read about a stick in the paper.

The stick referred to in the paper was described?—It just had a dog's head on it.

Evidence for Prosecution.

Dorothy Ducker

You read in the paper that one of these men was supposed to have a stick with a dog's head on it?—Yes.

It came out in either Wells's or Putland's evidence?—I did not know that.

Then you immediately remembered that you had seen one of these men with a stick?—No, I did not remember even then.

When did you remember about it?—They were talking about it in the bar, and then I said, "Well, I remember the stick now."

You mean the stick with the dog's head on it?—Yes. I said, "I remember him having the stick now, because he made a remark."

As a matter of fact, this dog's-head stick was the subject of a good deal of conversation, was it not?—No, not at that time.

They were continually talking about the murder?—Yes, and they said it might have been done with a stick, and then I said, "I remember that stick now." It just brought it back to my mind. That was somewhere about a week before I had to be in the Court at Hailsham.

You appeared at the Court at Hailsham on 6th October?—Yes
And it was a day or two before then?—Yes

You say, having thought it out, you are quite sure it was on 19th August that they had the stick and the conversation took place about it?—Yes, quite sure.

All I suggest to you is that that took place the week before, but you are sure it took place on the 19th?—Yes, on the 19th.

Now, about the cigarettes; you say you did not see the Turkish cigarette box?—No, I did see the box, but I do not remember what it was like.

Is it not the fact that there is a brand of Turkish cigarette sold in a box very much like Abdullah cigarettes?—I do not know, but I remember there was a red seal on that box.

Did you sell Abdullah cigarettes?—No, only Gold Flake and Woodbines.

What did you charge for them?—Ten for 6d., Gold Flake, and five for 2d. Woodbines.

You say that Gray's boots, when you saw him on the Thursday evening, were very dirty?—Yes.

Did they look as though he had been for a long walk?—No, they looked as if they had been wet and caught the dirt off beach stones on them.

By Mr. JUSTICE AVORY—Did you say anything about the sort of dirt?—What you might expect off the pebbles on the beach. They looked as if they had been wet and they had got marked with the dirt of the pebbles.

Cross-examination continued by Sir EDWARD MARSHALL HALL—
Have you ever been to Pevensey?—Yes.

Field and Gray.

Dorothy Ducker

You can go across the beach to Pevensey?—I do not know. I have always cycled.

Have you ever been down on these Crumbles?—Yes

In the afternoon?—I have only been down there once to see the place since this happened.

Had you never been there before?—No.

It has not a very good name, has it?—I do not know about that.

We know the sea is some 800 yards away there?—I do not know.

Are you quite sure about that seat at the Hippodrome? Did you pay for your own seat?—Yes.

You cannot remember what it was?—No, I cannot remember.

Four rows back might make a good deal of difference in the price?—I do not know anything about the price. I just paid for mine and went in; that was all.

Of course, when he asked you if he might have a “buckshee,” I suppose you thought it was a joke?—No, it was not a joke, because they all use the word down there.

Everybody asks for a buckshee?—No, but it is almost an everyday word in Eastbourne.

You have heard of the long pull?—Yes, I have heard of it, but they do not give it now.

Buckshee means something for nothing?—Yes, taking anything or giving it.

When you saw them outside the hotel on what you now think was Thursday, the 26th, they said to you, “Haven’t you heard we have been detained for the murder”?—Yes

Re-examined by Mr. GILL—Did you understand that on that day they had just been released?—They had not been out half-an-hour when I met them

Was the performance at the Hippodrome a picture show?—No, a musical show.

You think they were sitting four rows behind you?—As far as I could gather.

When you were before the Coroner, did you answer the questions that were put to you?—Yes, I answered everything that was asked of me.

By Mr. JUSTICE AVORY—Was it the Coroner himself who put the questions to you?—Yes.

Re-examination continued by Mr. GILL—Was there anyone else there taking any part in it?—Nobody whatever; only the Coroner asked me questions.

You say some time after that there was a conversation in which reference was made to a stick?—Yes.

And you say that you then remembered that they had a stick?—Yes.

Evidence for Prosecution.

Dorothy Ducker

What was it that made you remember they had a stick?—It must have been the conversation about the stick.

Upon that did you go to the Town Hall, or did you go somewhere, and see Mr. Mercer?—No, I mentioned it to one of the detectives and he told me to go up to the Town Hall at eleven o'clock the next morning.

Did you go up there?—Yes.

And make a statement and sign it?—Yes.

And sometime after that you gave your evidence at Hailsham?—Yes.

ELSIE FINLEY, examined by Mr. GILL—I am a barmaid employed at the Albemarle Hotel, Eastbourne. I remember the time in Eastbourne when the murder was committed and very much talked about. There are two bars in the hotel, a private and a public bar. I was serving in the public bar at the time. I also served a good deal in the private bar. I remember before the murder seeing both of the accused coming into the house. I had noticed them coming in for about ten or twelve days before the murder Dorothy Ducker formerly served upstairs, and she came from the saloon bar upstairs down into this other bar. During the fortnight before the murder I saw both the accused in the house together. They were always together; I never saw them separate. They usually went to the public bar. Miss Ducker usually served them, but if she was off duty I served them.

After they had been coming in when Miss Ducker was there, did they become friendly with her?—Well, they seemed pretty friendly with her always.

Did you ever hear anything said about going to the pictures?—Yes, I overheard them asking her to go one afternoon. As far as I know, up to the date of the murder, they usually drank draught bitter or beer—I could not say which, but it was always draught.

Do you remember seeing either of them on the morning of 19th August, Thursday, which was Miss Ducker's day to go off duty?—Yes, I saw both of them. They came in about twelve or 12-15.

Did Miss Ducker serve them?—Yes, she served them all the time.

How long did they remain there on that occasion?—I think to a quarter or twenty past one.

Did you hear anything said about going out?—They asked her if she was going to the pictures in the afternoon.

Did one of them pay her more attention than the other?—Yes, Gray.

Did you see them served with beer on that occasion?—I did.

After they left, did they come back again?—Yes, they came back again somewhere about 2-20.

On that occasion were they also served by Miss Ducker?—Yes.

Field and Gray.

Elsie Finley

What time did they leave?—They left as soon as we closed up at 2-30. “Time” is called at 2-30.

On that evening do you remember after six o'clock was Miss Ducker dressed to go out?—Yes.

Where was she?—Seated on the public side of the private bar.

Did you see either or both of these men that evening?—Both of them. They came into the public bar first and then they walked round to the private bar.

By Mr. JUSTICE AVORY—Do you remember what time this was?—I should think somewhere about 6-20.

Examination continued—When they came into the public bar and saw you, did either of them ask you any questions?—No, they asked me no questions.

How was it they went from the public bar into the private bar?—Because they could see Miss Ducker on the other side

So they went from the one bar to the other?—Yes

Did they speak to her there?—Yes.

Did they call for anything to drink?—Yes, they called for two bottles of Bass.

As far as you know, had they ever ordered bottled beer from you before?—No, always bitters.

After that was anything said about treating anybody?—Yes, they asked Miss Ducker would she not join in with a drink, and they also asked me.

She had a glass of port and you a whisky and splash, 1s. 10½d., and the others had two bottles of beer, 1s. 5d.?—Yes.

Was anything said about cigarettes?—They handed a box of Egyptian Abdullah cigarettes and offered me one.

Why do you say they were Abdullah cigarettes?—Because I passed the remark that I had never seen them smoking that brand before.

By Mr. JUSTICE AVORY—Did you see the box, or how did you know?—I saw the box; it was a box of 25.

Examination continued—We have been told it was a box with a red seal on it?—These Abdullah generally have a red seal on the box.

By Mr. JUSTICE AVORY—I do not know whether it matters, but did you say which of them produced the box of Abdullah cigarettes?—Field.

Examination continued—When you saw that box of Abdullah cigarettes and were offered one, just tell us what you said?—I just passed a casual remark about their smoking such good cigarettes, and Field said “We like a good cigarette sometimes.” That is just the remark that was passed.

Evidence for Prosecution.

Elsie Finley

After that did either of them have any more drinks?—Yes, other two bottles of Bass

That would cost another 1s 5d.?—Yes.

Do you remember Miss Ducker going away to the Hippodrome?—Yes.

Shortly after that, did these two men leave the bar?—Yes, about five minutes after she left.

How long after that was it you saw them again?—It was about the middle of the next week.

Did they come into the house?—They came into the private bar.

Was something said as to what had happened to them?—Yes. I asked them where they had been lately as they had not been in, and they said they had been detained at the Town Hall for the murder of Irene Munro

Was anything said about the police detaining their clothes or anything?—No, nothing about their clothes.

Up to the time of the murder what names had you known them by?—I had generally heard the customers calling them Jack and Billy.

When did you know their names were Field and Gray?—Not until they came into the bar after the week-end.

Cross-examined by Mr CASSELS—Not even during the two weeks that you had noticed them coming into the house frequently did you know that they were Field and Gray?—I did not

I suppose you had many conversations with them, had you not?—No, no conversations whatever, either in the morning or the evening.

Can you tell us what they drank on Thursday, 19th August?—I could not.

Could you tell us what they drank a fortnight before 19th August?—The only thing I ever saw them drink was bitter or beer; it might have been either.

Would you go so far as to say that never in the Albemarle bar had either of these men ordered a bottle of beer before?—Yes, I would, because I had never seen them drinking a bottle of Bass before.

Had you ever been stood a drink by either of them before?—I could not swear that I had or that I had not. I do not remember.

Just try to think. Thursday was rather a good day as a rule with these two young men, was it not?—I could not say.

Did you ever notice at all that on Thursdays they seemed to have a little more money to spend than on other days of the week?—No, I never noticed it at all.

Did you ever notice that between Thursday and Saturday money seemed freer with them than between Saturday and Thursday?—

Field and Gray.

Elsie Finley

No, I never noticed it; they generally came in and had their bitters and went off again.

Not only one?—No, I have seen Miss Ducker serve them with more than that.

You have seen them standing drinks to other people?—I could not say so to my own knowledge.

It is not unusual for men in a bar to stand drinks to each other?—No, not at all.

There was nothing to distinguish these two men from the ordinary customers?—No

Now, let me come to the Thursday. Had you seen Field smoking Turkish cigarettes before?—No.

Are you sure of that?—Quite sure.

Had you seen Field take cigarettes from a coloured box before?—No, I have never noticed his cigarettes before, because he had never handed his box over the counter. I had always seen him buy Gold Flake and Woodbines.

When they bought any cigarettes in the house, they always bought Gold Flake or Woodbines?—Yes.

Because you did not sell anything else?—We did not sell anything else.

Do you say that all the time you observed them you never saw Field smoking a Turkish cigarette?—He might have smoked one, but I never noticed it

As to their clothes, you never took any particular notice of them?—No, none at all.

Nothing particular about their clothes struck you on 19th August?—No, I took no notice of them.

About a week after 19th August they came in again, you say?—Yes.

Did you know that that was within half-an-hour of their being liberated?—I did not know.

There was nothing to distinguish their conduct on the Thursday; they were not strange in manner on Thursday, 19th August?—No, they were not.

On 26th August, which would be the Thursday following, they came straight back to your hotel?—They came back to the hotel; I could not say whether they came straight back.

Within half-an-hour of their release, and they said, “ We have been detained for the murder”?—No, they did not say that until I asked them where they had been. Then they said, “ We have been detained for the murder of Irene Munro.”

Can you tell us what time that was?—I could not swear to the time, but I believe it was in the evening.

Did they come in more than once that evening?—I could not say.

Do you know Billy the Red Cap?—I do.

Evidence for Prosecution.

Elsie Finley

When Miss Ducker has her evenings off in the season she has to come back and serve behind the bar for the extra trade?—She was doing so for some time.

She did on some of the Thursdays in the season?—She did.

Can you remember at all upon that Thursday seeing whether Billy the Red Cap was in that bar?—I could not say

Did you notice whether Field and Gray, or either of them, were in conversation with any of the customers in the bar on Thursday, 19th August?—No, not on Thursday, 19th August.

Do you mean that you did not notice?—The time they were in there they happened to be in there alone. There was no other customer in the private bar that night when they left.

I do not quite follow that. On Thursday evening after nine o'clock?—No, not after nine o'clock, at 6-20.

I am referring now to after nine o'clock?—I do not remember seeing them after nine o'clock.

Let me take the second visit on Thursday, 19th August, namely, the visit before you closed in the middle of the day. Would it be right to describe that as a visit for a quick drink?—A quick drink?

That is your description before now of this visit?—That is right.

Mr. JUSTICE AVORY—I understood she said they came in about 2-20 and the house closed at 2-30.

Cross-examination continued by Mr. CASSELS—Yes. You might be wrong about the 2-20. It might have been 2-25?—Yes, I could not swear to a minute; it was very near closing time, I know.

Would you prefer the description of a quick drink?—Yes, it was just before “time” was called.

Was there much in the way of conversation on that occasion between them and Miss Ducker?—They were talking to Miss Ducker over the bar, but I did not hear what was said as I was rather busy at the time.

Cross-examined by Sir EDWARD MARSHALL HALL—Take the 12-30 visit on the 19th, about how many people do you think were in the bar then?—Not more than five or six people.

Have you any distinct recollection of it?—No, I cannot say that I have any distinct recollection of it, but I know the boys were there.

You gave your evidence before the Coroner, on the same day as Miss Ducker gave hers, on 21st September?—Yes.

How long before that had you been asked as to what you knew about this matter?—Somewhere about 25th August.

Was that the day before you saw Field and Gray, as you now know them, when they said that they had just been let out?—Yes.

At that time you did not know about those two men being Field

Field and Gray.

Elsie Finley

and Gray?—I did not know them by those names then, and therefore I said I did not know them.

There was nothing to call your attention to anything that took place about them because you did not know them?—That is so.

How long had you to think over your evidence before the Coroner before you gave that evidence?—As soon as these boys came in and said who they were, then I began to think about what happened on the 19th.

So that you had to go back about a week in your recollection?—Yes.

Can you tell me what drinks they had on the Thursday before the 19th?—No, I could not

Nor on the Thursday before that?—No.

Can you tell me what time they came in on Friday, the 20th?—I could not tell you that.

Did they come in?—I could not say.

Can you tell me if they came in on Saturday, the 21st?—I cannot recollect seeing them on the Saturday.

Or on Monday, the 23rd?—No, I could not say.

Or Tuesday, the 24th?—No, I could not say

Or Wednesday, the 25th?—No, I could not say.

You got to know on the 26th that these were the two men that were being accused of this business, and you went back to the 19th. Did you not take the trouble to think whether they had been in on the 23rd, 24th, and 25th?—No, and if they had I should not have noticed them, because I did not know who they were.

Your knowledge of them was just as good on the 23rd, 24th, and 25th as it was on the 19th?—

By Mr. JUSTICE AVORY—You knew them as Jack and Billy?—Yes.

The question is whether you can remember if Jack and Billy, or either of them, came into the house on Friday, the 20th, or on Saturday, the 21st?—I could not say; I did not notice them.

Cross-examination continued by Sir EDWARD MARSHALL HALL—
Are you open on Sundays?—Yes

You cannot say whether they came in on the Sunday or the Monday or the Tuesday or the Wednesday?—No.

But you know they came in on the 26th because that is the day they came and told you that they had been detained?—Yes.

Did they come to the hotel between Thursday, 26th, and 2nd September?—Yes, they came in nearly every day to have one drink.

You can remember the days afterwards, but you cannot remember the days before?—No.

You know this, Thursday, the 19th, was the important day?—I know it was, because Miss Ducker happened to be over in the bar with them and it was her day off.

Evidence for Prosecution.

Elsie Finley

You knew that Thursday, the 19th, was obviously the important day, and you concentrated all your attention on that day?—I knew it was important, yes.

Did not the police ask you what had happened on the previous day or any other day? Did they go direct to the 19th?—Yes, they went to the 19th.

Then, of course, you remembered, and they did not ask you anything about the other days?—No.

Re-examined by Mr. GILL—You remember these men coming in after they had been detained?—Yes.

That was on Thursday, the 26th?—I could not swear to the day. I know it was after Mr. Wells had been down.

Was it Miss Ducker's day out, and had she met them outside and come in with them?—No, not to my knowledge.

You did not know that?—No.

When you saw them then and they told you that they had been detained by the police, you knew then that they were Field and Gray?—That was the first time I knew they were Field and Gray.

Had you seen them shortly before that or had they been missing altogether from the house?—They had been missing for a little while from the house—four or five days, or something like that—and that was why I remarked on it.

With regard to your recollection of Thursday, the 19th, it was Miss Ducker's day out?—Yes.

Would that be the reason why she was sitting in the private bar?—Yes, she would not be there otherwise.

Are you sure that was the night when you were both treated?—Quite sure.

And the cigarettes?—Yes.

Was that the last time you remember seeing them?—That was the last time I remember seeing them until they came in again.

GEORGE BLACKMER, examined by Mr. GILL—I live at 9 Manifold Place, Eastbourne, and I am a bus conductor in the employment of the Corporation. I know the two men, Field and Gray. I had known them for some time before 19th August last—I should think from about April. I saw them when I was demobilized. I was not frequently in their company, but when I came home I saw them on the Parade and they spoke to me and I often spoke to them. They are not men I could possibly be mistaken about. By 19th August I was in the employment of the Bus Depot. I was on the afternoon shift that day and was supposed to commence duty at 3-6 from the Archery. In order to get to the Archery in time I joined a bus that was passing along the sea front and was due at the Archery at 2-45. I had had a new uniform served out to me and I was wear-

Field and Gray.

George Blackmer

ing it that day. When I got on to the bus, I stood on the platform, and before we arrived at the Archery a piece of paper hit me on the head. I thought it was thrown at me, so I looked up, but I could not see anybody. When the bus got to the Archery, I got off the platform. I saw Field and Gray get off the bus. Field said to me, "Too proud to speak now you have got a new uniform on!" I only said no, I was not proud I just had a word or two with them. They were standing at the corner of the Archery Tavern. After I had had a word or two with them, I walked up and had a little talk with the driver of the bus, and then I was going to proceed to the depot. When I got about 100 ft. away, I happened to look round and I saw a girl come across the road from the shelter where the bus stops, where it turns round. As she was coming across the road she said, "Hullo, Jack!" When I say she was coming across the road, I mean coming across to where the two men were standing.

Did you notice anything about her; had she got a coat on?—No, I did not notice a coat.

Did you notice whether she had anything in her hand?—I thought perhaps she was carrying a small black handbag, and she had a black hat, and I believe a blue dress

Did you look sufficiently to form some impression of her face?—Yes, her face seemed to be very similar to the photographs I subsequently saw

Did anything definite strike you about the face?—No, nothing definite.

Did you afterwards see some photographs?—Yes.

Did you think they were like the girl?—Yes, they were like the girl. I would not swear it was the girl.

Did you notice at all what Field and Gray were wearing; was there anything at all to attract your attention?—Yes, they were both in grey suits.

Did you particularly notice their suits?—I am positive they were both in grey. I did not know Mr. Rogers, Mr. Verrall, or Mr. Dyer I had never spoken to Putland or to Wells until this case came on. I had no knowledge that there were such people as Mr. Verrall or Mr. Rogers. I did not know anything about the girl living at 393 Seaside.

Cross-examined by Sir EDWARD MARSHALL HALL—You have no doubt whatever that you saw Grey and Field?—No.

You knew them and you saw them?—Yes.

Somebody threw a piece of paper at you while you were on the bus, and then afterwards these two men came down and spoke to you?—Yes, that is right.

The question of the identity of the girl is another matter. You

Evidence for Prosecution

George Blackmer

said both before the Magistrates and before the Coroner that you were 100 yards away when you turned round?—Yes.

That was a mistake?—Yes.

But you did say it?—Yes.

You knew the men, but you are not prepared to swear about the girl, because you did not know her?—That is so.

Then were you shown this big sheet of photographs and asked if you could pick out the girl?—Yes.

Did you notice whether these pieces of tissue paper had been pasted over?—I noticed they were pasted over.

Did the mere fact of their being pasted over excite your curiosity? Just take it yourself. Turn it round to the jury. The jury will see that there are some very big photographs in the middle, and there is a piece of tissue paper pasted over, and under that pasted-over piece cannot you distinctly read, "Portrait of Irene Munro, the murdered girl"?—Yes

You can read it quite clearly?—Yes.

I do not want you to be under the slightest suspicion or suggestion. I am not suggesting because you saw written beneath "Irene Munro" that you identified her as the girl, but what you say is that those three photographs are like the girl you saw?—That is so.

You cannot say any more?—No, I cannot.

Can you tell me how far off from the two accused was the young woman who said, "Hullo, Jack!" when she addressed them in that way?—She was quite close up to them.

Are you able to say that she actually joined them?—She was not quite joined to them. She was up close to them—as near as you are to me.

And still going towards them?—Yes.

FREDERICK GEORGE ROGERS, examined by Mr. GILL—I live at 106 Royal Parade, Eastbourne, and I am a builder working on my own account. I was working at the house at 393 Seaside in the week commencing Monday, 16th August. I had a man named Verrall working with me. We were working there on Thursday, the 19th. I remember a girl who was staying in the house coming out and in. I knew that she occupied the front room on the ground floor. On the 19th when I went back after dinner I was working at the front gate when I saw her come out of the house. I opened the gate for her. She went towards the Archery—towards Eastbourne. The Archery is only about a minute's walk from 393 Seaside. It was between two and three, I should say, but nearer three than two. She had not a coat on at that time. She was away a matter of a few minutes—certainly not long—when she returned I was still working at the gate. I opened the gate for her and she spoke to me as she passed. She was not very long in the house before she

Field and Gray.

Frederick G. Rogers

came out again. She would only be in the house long enough to put on a coat. When she came out, she was wearing a green coat. I spoke to her again as she went out. When she went out on that occasion, she turned in the same direction, towards the Archery. After she had walked towards the Archery, I went into the house by the front door. At that time Verrall was working at the side of the house, painting the side of the house. He was on a ladder. He had a view down into the road of course. When I came out of the house again Verrall spoke to me. I did not know the witness Blackmer at all, but I knew the family.

GEORGE BLACKMER, recalled, further cross-examined by Sir EDWARD MARSHALL HALL—Can you tell me about when it was you were shown that big sheet of photographs?—About the 22nd, I think. The police will be able to fix the date.

Who showed it to you?—Mr. Mercer.

Did you notice that the middle photograph on that sheet was the same as the photograph that had been published in the *Daily Mail* on 23rd August?—No.

Had you seen it in the *Daily Mail*?—No.

Had you seen it in the Eastbourne papers?—Only in the *Gazette* some time afterwards.

Had you seen the photographs in the local papers in Eastbourne before you were shown this sheet?—Yes, I had.

CHARLES JOSEPH GEORGE VERRALL, examined by Mr. GILL—I live at 17 Dacre Street, Eastbourne, and I am a painter. In August of this year I was working with Mr. Rogers, painting 393 Seaside. I had been working there since Monday, the 16th. I saw a young girl who was lodging in the house in a room upstairs. On the afternoon of Thursday, the 19th, after dinner I was working at the side of the house. I was working on a ladder. That gave me a view of the pathway and the road. While working there, I saw the girl who was living in the house come out of the house and go towards the Archery. I saw her again after she had gone towards the Archery. That was when she returned to the house. She was with two young men.

By Mr. JUSTICE AVORY—How soon after did she return?—After an interval of a few minutes.

Examination continued—As she passed you, how did she appear to be?—She seemed to be happy.

How did she indicate it?—I could not hear what she was talking about, but they were speaking.

What did you notice about her? Was she crying, for instance?—No, she was laughing.

Evidence for Prosecution.

Charles J. G. Verrall

As she passed the house, did you notice her in any way?—She turned round and looked at the house.

In doing that, would she be looking towards you?—Yes.

As she was passing the house, she looked up and you could see her face, and you could see that she was laughing and talking?—Yes.

And did she pass the house with those two young men?—Yes.

By Mr. JUSTICE AVORY—Going in which direction?—In the direction of the Crumbles.

Examination continued—After you had seen her pass with those two young men, do you remember Mr. Rogers coming out of the house?—Yes.

When he came out, did you say something to him?—Yes.

When you saw her, was she wearing a coat when she went out?—That I could not say.

Did you notice the dress worn by the men?—I noticed a grey suit.

Did you notice anything else or did you simply notice a grey suit?—That was all.

Did you see their faces or was it simply the girl's face that you saw?—The girl's face.

Cross-examined by Mr. CASSELS—Do you remember hearing of the murder?—Yes.

Would it be the Saturday or the Sunday when you first heard of it?—That I could not say. I cannot remember now.

I daresay you heard of it about as soon as most other members of the public heard of it in Eastbourne?—I expect so.

You saw her then because she turned towards the house?—Yes.

Was it in the Sunday papers? Do you remember that?—It was in the Sunday papers.

Do you remember some time after that being taken to the Eastbourne Police Station to have a look at some men?—Yes, I remember going to the police station.

You were asked by the police, I suppose, whether you could identify anybody as being the men you had seen on that Thursday afternoon?—Yes.

You were unable to pick out anybody at all, were you?—That is so.

By Mr. JUSTICE AVORY—Which day was that?—I cannot remember.

Cross-examination continued by Mr. CASSELS—About how long afterwards?—Not a great while.

About the Tuesday afterwards?—I could not say.

At any rate, being given an opportunity, it is quite clear you were unable to identify the two accused?—Quite so.

Field and Gray.

Charles J. G. Verrall

What was your impression about those men as you saw them pass, as to whether they were young, middle-aged, or old?—I said they were middle-aged.

By Mr. JUSTICE AVORY—What do you mean by saying, “I said they were middle-aged?” Do you mean that you say now you impression is that they were middle-aged?—No, that is what I said when I was at the Police Court.

Cross-examination continued by Mr. CASSELS—Did you not say the same thing when you were at the Coroner’s Inquest?—I said the same thing, but I corrected myself.

Just listen to this and see if it is correct. This is what you said at the Police Court: “My impression as she passed with the two men was that they were middle-aged men.” Was that your impression as they passed?—

By Mr. JUSTICE AVORY—Let me ask you a question first. How old are you?—Twenty.

What do you consider a middle-aged man?—Turned forty.

Cross-examination continued by Mr. CASSELS—Was it your impression that that girl passed with two men of about the age of forty?—No, it was not.

How came you to say so at the Coroner’s Inquiry and at the Police Court? Can you explain it?—No, I cannot explain why should have said that.

One other question about the time. What time was this in the afternoon?—About four o’clock, I should say.

Re-examined by Mr. GILL—It was after dinner?—Yes.

By Mr. JUSTICE AVORY—At what time do you go to dinner?—At one o’clock.

Re-examination continued—And come back when?—Two o’clock. It was certainly after two o’clock?—Not immediately after. No, but some time after two o’clock?—Yes.

You had not got a watch on you, I suppose?—No, I never carry a watch.

What time do you leave off work?—At that time I left off work at 5.30.

Whatever the time was, you did in fact speak to Mr. Rogers within a few minutes of what you saw?—Yes, quite right.

When these people passed that you spoke of, I understand you did not see the men’s faces, but you did see the girl’s face?—That is quite right.

CHARLES GORDON DYER, examined by Mr. GILL—I reside at 411 Seaside, Eastbourne, and I am a plasterer’s labourer. I know the accused Gray personally, and have known him for about twelve

The Archery Tavern

The figure (2) indicates the position of Blackmei, and the figure (1) that of Field and Gray, when the conversation referred to on page 140 took place. Seaside is seen in the left back ground leading to Easthounne, it leads out of the foreground of the picture towards Pevensey, and 393 Seaside is out of the picture to the right.



Evidence for Prosecution.

Charles G. Dyer

months He is a man whose identity I am quite certain of. On Thursday, 19th August, I was at work in connexion with some building that was going on opposite St. Andrew's Church, Seaside, which is a few hundred yards farther on than the Archery. I was working with a man named Jupp. While I was working there my attention was attracted to the accused Gray who went by with a young lady and another man. The time would be between 2-30 and three o'clock. I knew that Gray was a married man. They were walking towards the Crumbles. They were all three obviously together; they were walking in a row.

Where was Gray?—On the left-hand side of the young lady, walking in the gutter.

Would that make him nearer to you? Was he on your side?—Yes.

Was the other man nearer the girl?—He had hold of the young lady's arm, walking down.

When you saw him pass that way, this man and the girl, did you speak to Jupp?—Yes

Was he working close to you?—Yes.

Had he the opportunity of seeing the three pass?—Yes, easily.

When Gray passed at that time that you speak of, how was he dressed?—In a light grey suit and a dark trilby hat.

Cross-examined by Sir EDWARD MARSHALL HALL—I think you said at the Police Court that the other man, whoever he was, appeared to be wearing the same sort of clothes as Gray was wearing?—Yes, I did say so, but I could not get a very good view of him.

This is what you said: “The other man was dressed similarly to Gray. I think they both wore trilby hats, but I did not take much notice of the other man.” So far as it struck you, the colour of the suits was the same?—Yes.

Re-examined by Mr. GILL—The whole sentence is, “I did not take any notice of the other man, so am not sure”?—That is right.

By Mr. JUSTICE AVORY—Is there a footpath there or a pavement?—A pavement.

You said Gray was walking in the gutter?—Yes.

Does that mean that the girl and the other man were walking on the pavement?—Yes.

So that they would be on a little higher level than Gray?—Yes.

ALFRED JUPP, examined by Mr. GILL—I live at 44 Leslie Street, Eastbourne, and I am a bricklayer's labourer. I remember one day in August last working along with the witness Dyer. He is a man I have worked with at various times and I know him well.

Field and Gray.

Alfred Jupp

We were working on some new building work opposite St. Andrew's Church. I remember him saying something to me while we were working there, in consequence of which I looked across the road, and on looking across the road I saw two young gentlemen and a young lady going in the direction of the Crumbles.

As you saw the young men and the girl passing, how did they seem to be?—Jolly and joking together.

Do you remember hearing of a murder having taken place?—Yes.

How soon after?—Two days afterwards, I think.

Cross-examined by Sir EDWARD MARSHALL HALL—A good many people go up and down Seaside?—Yes.

And I understand Dyer spoke to you and you both looked and you saw two men and a girl?—Yes.

I suppose you have seen two men and a girl together before?—Oh yes.

Especially going towards the Crumbles?—Oh yes.

By Mr. JUSTICE AVORY—Are you able in any way to fix the day when this happened?—It was on 19th August last.

How do you know it was the 19th?—Because there was a circus down where we were building at the same time.

On which days was the circus?—On the Wednesday and Thursday.

That was close by where you were working, was it?—Yes.

And you remember it was on the Thursday when the circus was there?—Yes.

Did you notice the people enough to observe whether the men were of the same build or what kind of height they were?—One was taller than the other.

Did you notice anything about the girl?—No, I did not. Or how she was dressed?—No

WILLIAM PUTLAND, examined by Mr. GILL—I am a first-class stoker in the Navy. I joined the Navy in 1919. I belong to Eastbourne, and live in my mother's house at 18 Alfrey Road, which is a road leading out of Seaside. The house is about half a minute's walk down Alfrey Road, off Seaside. In August last I was at Eastbourne on leave; I had got sixteen days' leave. My leave expired on Monday, 23rd August. On the Tuesday morning before my leave expired—that was 17th August—I was down at the water-plane sheds looking at a seaplane. It had been up taking up passengers and was going back into the shed again.

By Mr. JUSTICE AVORY—Was this on the beach?—Yes.

Examination continued—While I was looking at the seaplane I saw a girl there.

Evidence for Prosecution.

William Putland

How did you come to notice her?—She was lying on the beach first.

Then did she get up?—Yes

Did you notice anything about her dress?—Yes, a green coat.

The next day, Wednesday, 18th August, were you in the afternoon at the top of the road where you live, Alfrey Road?—Yes. About what time in the afternoon was it?—Three o'clock.

Did you see anybody pass that attracted your attention?—Yes.

Who was it you saw?—The same young lady in company with two men

In what direction were they walking?—Towards the Crumbles.

The next day, Thursday, 19th August, were you out in the afternoon?—Yes.

Were you alone?—No, I was with a friend of mine, named Wells

While you were with him that afternoon, did you see somebody who attracted your attention?—Yes

Who was it?—The same girl and the same two men.

Where was it that you saw them?—I was outside the Alexandra Arms—that is right opposite our road.

Next to St. Andrew's Church?—Yes.

About what time was it?—About 2-45

Seeing them, did you speak to Wells?—Yes.

Had you a bicycle with you?—Yes.

Did you do something with your bicycle?—Yes, I took it home.

That would mean going down Alfrey Road?—Yes

How long would it take you to get home and back again?—Not quite five minutes.

Did you simply go to your house and leave the bicycle and rejoin Wells?—Yes.

And what happened to you and Wells?—We went for a walk.

Did they pass you or did you pass them?—We passed them.

You both passed them?—Yes, when they got over the fence.

Where were they going?—Direct to the Crumbles; they had got over the fence.

By Mr JUSTICE AVORY—Had they reached the Crumbles when you returned to Wells?—No, not quite.

They were well on the road going towards the Crumbles?—Yes.

Examination continued—I am afraid I may have confused you. When you first saw them you were with Wells?—Yes.

Where were they at that time?—At St. Andrew's Church.

Were they passing you?—No.

You were standing at the top of Alfrey Road?—No, I was standing at the Alexandra Arms opposite Alfrey Road.

Were they approaching you or had they passed you?—They were approaching us.

Field and Gray.

William Putland

Did they pass you before you went away with your bicycle?—
No.

You and Wells were standing there and you saw the same three people that you had seen the day before?—Yes.

Had they passed you before you took your bicycle home?—No, they were approaching us then.

That being so, did they pass you when you were going to take the bike home?—No, they never passed us

When you were with Wells and saw these three people, tell me exactly what happened?—When I was with Wells and I saw the three people I said to Wells, “I will take my bicycle home and we will go down the road,” and I took my bicycle home and rejoined Wells again

Where were the three people when you rejoined Wells?—They were nearly into the entrance to the Crumbles.

Would that be near a place called Fort Road?—Yes.

When you get to the corner of Fort Road, by dipping under a fence, can you get on to the Crumbles?—Yes, that is right

If you go a little distance along the Crumbles, can you get on to the railway-track?—Yes

What did you and Wells do?—We walked straight along the road in the same direction.

If you go straight along the road, do you come to a cinder path that goes straight across towards the railway?—Yes.

When you and Wells got to the place where the cinder path is, what did you do?—We went back.

You go along the road and you come to a place where you can turn on to the Crumbles along the cinder path?—Yes.

Were you on the cinder path?—Yes.

If you go along the cinder path you come to some rails?—Yes.

Did you go up as far as that?—Yes

You saw them turn on to the Crumbles just where Fort Road is? As they did that, did you see the girl do anything that attracted your attention?—Yes, she handed a paper bag to the two men.

As you got off the road and got on to the cinder track, did you see where the men and the girl were going?—Yes, they were going towards the railway-hut

In order to do that, would they cross the cinder track?—Yes.

When you got up to the line of rails, did you see where they were then?—Yes, they were going in the direction of the railway-hut.

Did you notice anything happen as they went along?—Yes, I saw a cat there The young lady stooped down to pick the cat up. I could not see whether she picked it up or not.

When you last saw them, were they still walking on towards the railway-hut?—Yes, and one had a stick.

Evidence for Prosecution.

William Putland

Was there anything about the appearance of either of them that attracted your attention—anything about his features or colour?—Yes, his face I took particular notice of

You took particular notice of the face of one man?—Yes

What was it that struck you with regard to his face?—His nose. I thought he had done a bit of boxing in his time and had got one or two hits on it and it had flattened it out a bit

Which man was carrying the stick?—The shorter man of the two.

Is that the man you are describing?—Yes.

Did you notice anything about the colour of his face?—No.

Did you notice what he was wearing on his head?—Yes, a soft cap.

Were you shown a number of caps later on by Inspector Mercer and did you select a cap as being like the one the man was wearing?—Yes.

[Shown cap, Exhibit No. 10] Is that the cap you picked out?—Yes.

You spoke of seeing a stick? Wells had at least the same opportunities of seeing the stick as you had?—Yes, so far as I am aware

Did you have some conversation with Wells and did you then come back?—Yes.

Did you see those two men again afterwards?—Yes.

Where were they?—In Victoria Place.

When was that?—The next morning, the Friday morning.

Victoria Place is down near the Front?—Yes.

Were they speaking to somebody?—Yes, to some young ladies.

By Mr. JUSTICE AVORY—What time was this?—Between ten and eleven.

Examination continued—Was Wells with you?—Yes.

Were they the same men that you had seen the day before?—Yes.

Was there a man you knew there; I think his name is Piper?—Yes.

When you saw these two men, did you speak to Piper?—Yes.

You have spoken before of seeing the girl with the green coat. Had she still got the green coat on on the 19th when she was walking on the Crumbles?—Yes.

Had she the green coat on each time you saw her?—Yes

You have spoken of the cap worn by the shorter man. Did you notice what the other man was wearing on his head?—Yes, a trilby hat.

Do you see the man you have spoken of and whom you have described in Court now?—Yes.

Which is the man?—This man here [pointing to the accused Field].

Field and Gray.

William Putland

Did you leave Eastbourne on the morning of Monday, 23rd August, to rejoin your ship?—Yes.

When did you read an account of the murder?—On my way going back.

Did you afterwards see in the papers a picture of the girl who had been murdered?—Yes.

Did you form an opinion about it?—Yes

[Shown photograph of the deceased] Was it a picture like that?—Yes, only she was standing up in the picture I saw

After that did you speak to a shipmate and were you seen by your commanding officer?—Yes.

At that time you were at East Cowes?—Yes.

Had you any communication with Wells?—No.

When you saw your commanding officer, did he take a statement from you which you signed?—Yes

Then you were sent back to Eastbourne?—Yes, soon after.

When you got back to Eastbourne, were you spoken to by Inspector Wells or Mr. Meicer?—Inspector Mercer

Did you go and take a walk on the Front—I did, on the Saturday afternoon, 4th September.

While you were walking there did you see the two men that you had seen before?—Yes

Where were they?—Drinking a cup of tea at a coffee-stall.

Were you by yourself at the time you saw them?—Yes.

As soon as you saw them, did you identify one of them?—Yes.

Which one was that?—Field—the shorter man of the two.

At that time was he wearing something different on his head?—Yes, he was wearing a trilby hat The other man who was with him at the coffee stall had a cap on.

I understand, with regard to Field, you do identify him. Can you say anything with regard to the other man?—No.

When you saw him, was he dressed in the same way as the man that you saw with Field was dressed?—No, differently.

After you had walked round and seen these men and identified Field, did you go back and speak to the police?—Yes

After that a further statement was taken from you?—Yes.

You have told me that you picked out a cap from several caps. Did you pick out the green coat?—Yes

Cross-examined by Mr. CASSELS—You saw a girl dressed in a green coat on the Tuesday?—Yes.

You saw a girl dressed in a green coat on the Wednesday?—Yes.

You saw a girl dressed in a green coat on the Thursday?—Yes.

Of that you have no doubt?—No.

Evidence for Prosecution.

William Putland

You are prepared to pin yourself down to each of these three days as to what you saw and what you have described?—Yes.

On the Wednesday do you say that that girl in the green coat was with the same two men whom you saw her with on the Thursday?—Yes.

Were the men on the Thursday dressed differently from the men on the Wednesday, or the same?—The same, as far as I can say.

Were those two men in grey?—I could not say that.

Were they dressed alike?—No, not so far as I remember.

Can you tell us in what respect they differed?—No, I cannot—not now.

Were you ever in a state of mind when you could say how they differed?—No, I could only imagine it.

Are you unable to tell us whether the dress of the men was light or dark?—From what I could see, I thought they were light.

Are you unable to tell us the headgear of both men?—I can tell you that one wore a cap and the other wore a trilby.

And you have picked out a light cap which you say was the cap?—Yes

What would you say about the trilby—light or dark?—I thought it was light.

When you were going back to your ship upon the Monday, you read in the paper that upon your favourite Crumbles a murder had been committed?—Yes

And you saw a portrait in the paper?—Yes.

I suppose you followed up the newspaper reports of this incident on the Crumbles?—I see a paper nearly every day.

Did you notice that the inquiry was for two men in grey?—Yes, I did notice that.

Did that rather indicate to you that they might be the people you had followed?—No, I could not quite give you the dress of the men on that day.

Has anything occurred since which will enable you to give their dress?—No.

On the Wednesday were you with Wells or not?—No.

On the Wednesday did you follow these three persons or not?—No, they passed me.

Do you spend a good deal of your time in the Seaside Road when you are on leave?—Yes.

You must see a very large number of people passing along that road?—Sometimes in the summer.

Have you ever had leave in the winter?—Yes.

You will agree with me that more people pass along that road in the summer than in the winter?—Yes.

Upon this occasion of your leave did you spend a good deal of your time in the Seaside Road watching the people going to and

Field and Gray.

William Putland

fro?—No, it was very seldom I stood there at all in the Seaside Road.

You were there on the Wednesday?—Yes.

You were there on the Thursday?—Yes.

Were you there on the Friday?—I walked up Seaside Road.

You must have seen a very large number of people walking along what we have heard described as a busy road?—Yes.

You have seen one woman and two men in the Seaside Road before, have you not?—Yes, I have seen a good many.

Now, with regard to Wells, you were some distance away from those three persons when you spoke to Wells, were you not?—Not very far, about 50 yards.

You suggested to Wells that you and he should follow those three people?—Yes.

That being a form of entertainment for the two of you for that afternoon?—No, it was just to pass the time away, that is all.

Having decided to follow the three persons, you decided to take your bicycle home?—Yes.

They did not pass you by the time you had gone to take your bicycle home?—Yes, they had.

You told my learned friend Mr. Gill—and he asked you very nearly fourteen times—that they did not pass you—

Mr. JUSTICE AVORY—He says that when he returned from putting his bicycle away they had passed his road. [To witness] Is that right?—Yes, that is right.

Cross-examination continued by Mr. CASSELS—When you came back?—When I saw them first they had not approached us, and then when I took my bicycle home they had passed, and when I came back and went to Wells we walked after them and caught them up again.

Mr. JUSTICE AVORY—It is quite clear what he means.

What he means is that as he stood in the Seaside Road these people were coming towards him—they were going towards the Crumbles, but coming towards him—and he went off to Alfrey Road to put his bicycle away. When he returned they had passed Alfrey Road and had gone on their way towards the Crumbles, and he and Wells followed them.

Cross-examination continued by Mr. CASSELS—You have heard what my lord said?—Yes

Do you accept that?—Yes.

Is there any other description you wish to give of the matter?—No.

When you came back and rejoined Wells, how far were these three persons away from you?—About 20 yards in front at first.

Had they got to the nearest part of the Crumbles?—They were just about 10 yards off it.

Evidence for Prosecution.

William Putland

And almost at once when you set your eyes upon them again they got on to the Crumbles?—They got under the fence.

Did Wells await you at the top of Alfrey Road?—No.

Where?—The next road.

Were they the distance between the Myrtle and the Fort Road away from you?—Not quite

And almost at once they got on to the Crumbles. You did not follow them on to the Crumbles. You did not go on to the Crumbles at the same place as they went on to the Crumbles?—No

You passed along the main road, crossing the railway-track, until you came to the cinder track?—Yes.

You know the Crumbles very well, do you not?—Yes

You have been there before?—I have been there thousands of times

Of those thousands of times how many were upon excursions like this?—Only once before.

The Crumbles between the main road and the railway-line are very uneven, are they not?—Yes

Anyone passing along the main road would be unable to see anyone passing along the railway-track, would they not?—They would be in places.

At any rate, you went along the main road until you came to the cinder track?—Yes

Did you run?—No.

Merely walked leisurely along?—Yes.

It was a fine afternoon?—Yes

Were there many people about?—No, not very many

What was the matter? Were there not many people about on that fine afternoon, in the middle of August in the height of the Eastbourne season?—No, I never saw many.

When you got to the cinder track, you thought you would go on to the Crumbles?—Yes.

Having got on to the Crumbles, did you find that those three persons, or somebody, had passed right along the railway-line and were getting in the direction of the railway-hut?—Yes.

How far do you think the three persons were away from you when you and Wells set foot on the railway-track—how many hundred yards?—Roughly, about 400 to 600 yards

You turned back then, did you not?—Yes.

Somebody was afraid—is that it?—Yes

One of you was afraid?—Yes.

What of?—The stick.

When you have gone in for this form of entertainment before, has there been no stick?—I only did it once before

Then you will remember it all the better if you have only done it

Field and Gray.

William Putland

once before. Was there no stick before?—I cannot say. It was a long time ago—years ago.

You turned back, and from that moment you dismissed the incident from your mind, did you not—nothing had happened worth seeing, had there?—No

When you got back, how did you spend the rest of the afternoon?—I went for a bicycle ride towards Hailsham

Going by way of the Crumbles?—Yes.

You have to pass right along that Seaside Road and right along the Wallsend Road in order to get to Hailsham?—No, you turn off to the left.

You have to go very nearly as far as the railway-carriage in that direction?—You cannot see the railway-carriage from there.

It is at the Aylesbury Farm where the road branches off for Hailsham—it is past the cemetery?—Yes, it is past the cemetery

The next morning you were in Victoria Place?—Yes

And you saw two men talking to some girls?—Yes

How many girls?—Two or three.

Did you take much notice?—No

How were the men dressed?—The same as before.

The same as on Wednesday and Thursday?—Yes.

Yet you cannot get anything nearer than what you have told us about their dress?—Yes.

Did you keep them under observation for very long in Victoria Place?—No

Did you know the girls?—I did not

They were merely standing there, were they?—Yes.

Laughing and joking?—Yes

There is nothing unusual in that in Eastbourne, is there?—No.

From that time until you went to rejoin your ship on the Monday, was that the last that you saw of those two men?—Yes.

You must have arrived at the conclusion when you read of this murder and the discovery on the Crumbles that your evidence might be of some importance?—I did not take much notice of it at first.

When was it that you sat up and took some notice of it?—When the officer in command took my evidence.

Was that on 30th August?—Yes.

You did not approach anybody in authority until that day, 30th August, when the officer took your evidence?—No.

By Mr. JUSTICE AVORY—Did the officer first speak to you or had you made a communication to your officer before he took your statement?—No, he took my statement first.

He sent for you, do you mean?—Yes.

Cross-examination continued by Mr. CASSELS—That meant, of course, that you were for leave again back in Eastbourne?—Yes.

Evidence for Prosecution.

William Putland

And did you come back?—Yes.

What time did you get back on 2nd September?—Five o'clock.

And you went straight to the police?—Yes.

Did you go to Mr. Mercer?—Yes.

You came back on the Thursday. What were you doing on the Friday?—I stopped in all day, I think.

Did you go for a walk at all?—No, I did not.

What happened on the Saturday? Did Detective Mercer call for you?—Yes, an inspector came and called for me in the morning.

You went for a walk along the Front, and you tell us that you picked out these two men?—Yes.

How were they dressed?—One had a trilby hat on and the other had a cap.

Was the cap the light cap that you have spoken of on the Thursday?—No

A different cap?—Yes.

A dark cap instead of a light one?—A different man had it on.

A different man had the same sort of cap on, do you mean?—No. Of the two, one of them had the cap on that day, and on the Thursday he had the trilby hat on.

Was it the same cap?—No

What about their dress?—I think he had a blue suit on

Which one?—The shorter one

That is Field?—Yes.

By Mr. JUSTICE AVORY—It is the 4th you are speaking of?—Yes.

Cross-examination continued by Mr. CASSELS—On the 4th Field had a blue suit. Whatever ideas you may possess about what the men were wearing on Thursday, 19th August, you are quite clear that Field was not wearing a blue suit on that day?—I could not say for certain

You thought they were both grey?—Light suits

You have no difficulty in saying on that day when you walked along the Front and found Field wearing a blue suit that he was not wearing those same clothes on Thursday, 19th August?—No, he was not wearing the same suit

Nor the same kind of hat?—Yes.

Did you get much of a view of the stick which you say rather turned you back?—No.

Did you say that it was an ordinary stick?—No, it looked rather thick to me.

I just want to take you back to the Police Court to see if you remember what you said there. Did you say on oath, “I thought the stick was an ordinary one, as far as I could see.” When you

Field and Gray.

William Putland

have quite finished rubbing the witness-box, will you tell me do you think that now?—No.

Do you think it was an ordinary stick?—It never had a curve on it. I thought it was an ordinary bit of a tree

Do you mean dark in colour like a tree?—I could not say what colour it was.

If there is one thing that you have given us information about, it is light and dark. Tell us if the stick was light or dark?—I could not say.

Cross-examined by Sir EDWARD MARSHALL HALL—You said to Wells, “ Let us follow those people ”?—Yes.

And you did follow them?—Yes

You got on to the cinder track and they were 400 to 600 yards away from you up the line?—Yes.

You or Wells were afraid of a stick, or something?—Wells was afraid of the stick

If there had been no stick, what were you going to do?—Nothing

What I fail to see on the evidence is what has the stick got to do with you?—I do not know.

Do you really mean that you do not know?—I do not see what it has to do with it at all, so far as I can see.

You cannot tell me what you were out there to do?—I was only going there to watch them to see what they would do.

You have been on the Crumbles thousands and thousands of times?—Yes.

You have seen a good many couples on the Crumbles?—Yes

Have you been on the Crumbles yourself?—Yes.

With girls?—Yes.

Have you been on the Crumbles with two girls at a time?—No.

You said the other instance when you followed people on the Crumbles was many years ago. How old are you now?—Twenty-two.

When you said “ many years ago ” what did you mean?—About ten years ago

What happened then?—I just walked down there.

And only once. Had you done something which you had reason to remember?—Yes.

What makes you remember it?—I do not know.

Out of the thousands and thousands of times that you have been on the Crumbles, what makes you remember this one time?—Speaking about it—that is all.

Have you heard of the people they call “ the Eastbourne Foxes ”?—Yes, I was told at Hailsham.

Do you know what it is reported that these “ Eastbourne Foxes ” do?—No.

Evidence for Prosecution.

William Putland

They go down on the Crumbles and watch people and see if they can see anything improper going on?—Yes.

And then get a little bit out of them?—No.

There was nothing of that sort in your mind at all?—No.

You do not know what you were out after at all?—Only just to see what they would do—that was all

And you saw nothing, did you?—No.

Nothing at all to excite your attention or your suspicion?—No.

On the Friday you saw the same two men again talking to three girls?—Yes, on the Friday.

Are you quite sure that one of them was not the same girl as the girl you had seen on the Thursday?—Yes

Are you quite sure of that?—Yes

You had seen these two men before, and that attracted your attention?—Yes.

What was it that the two men you had seen on the Thursday had done that should make you notice them again on the Friday?—Only just because I went down there—that was all

Do you always remember two people you have seen on a Wednesday when you see them again on the Thursday?—I can

Even on the Friday nothing of importance had occurred to you?—No

You saw two men that you had seen on the Crumbles on the afternoon before?—Yes.

Friday passed and Saturday passed and Sunday passed?—Yes.

What time on Monday did you go back to Cowes?—I got the 8-28 train.

Where did you get the paper you bought—at Eastbourne or Lewes?—At Eastbourne.

Do you know what paper it was that you bought?—No, I cannot say. It was a picture paper. I think it was the *Mirror*.

That suggested three things to you, first of all, that the dead body of a girl had been found on the Crumbles, and it was thought that she had been murdered. You saw that in the paper?—Yes.

And also a portrait of the girl?—Yes.

And that the police were making inquiries for two men in grey suits?—Yes.

Which was it struck your attention—the portrait of the girl as being like the girl you say you saw, or the fact that two men in grey suits were wanted?—It was the portrait of the girl that took my attention.

We have seen the portrait of the girl that you saw—No. 5a. That is a portrait of a girl with her coat buttoned up to her neck and with her hat on. You had seen a girl, whom you say was the same girl, lying on the beach on the Tuesday?—Yes.

You had seen her for a moment on the Wednesday as she passed you?—Yes.

Field and Gray.

William Putland

On the Thursday you saw her face only from the time that she was approaching you while you and Wells were standing in the Seaside Road?—Yes, and when she handed the bag to the men.

She was 30 yards off then?—No, not very far.

She was at the corner of Fort Road, and you were at the other corner. How big was the bag?—I thought it was a fruit bag.

Do you mean to say that as she was stooping down you could see the girl sufficiently well to recognize the portrait that appeared in the paper?—She was not stooping down.

She turned round because she was just going to dodge underneath the fence?—No, it was when she got over the fence.

Then was she more than 20 yards away?—No, because we were going straight down Seaside Road.

By Mr JUSTICE AVORY—Had you gained on her? Had you got clear of them when she got under the fence?—Yes.

Cross-examination continued by Sir EDWARD MARSHALL HALL—
She had her back to you then?—We passed them there.

But she would go on along the Crumbles?—Yes, but when you get under the fence the road runs straight along like the other—until it gets to the tramways.

Whilst she was on the line, you do not suggest that you could see her face then?—When she got on the line, you could not see her face.

When you crossed the cinder track, she was 400 to 600 yards away?—Yes.

You do not suggest that you could identify her then, do you?—Not when she was down there.

I suggest to you, when you saw this portrait in the paper, you imagined that that was the sort of girl you had seen. I suggest to you that you had never seen her face and that you jumped to a conclusion?—No, I had seen her face.

You really tell us that seeing a portrait in the *Daily Mirror* on the Monday—the portrait we have seen—you at once said that was the girl you had seen on the previous afternoon with two men?—Yes.

And you went straight off to your quarters at Cowes?—Yes.

On 30th August your commanding officer sent for you and you made a statement to him?—Yes.

You came back on the Thursday night, 2nd September?—Yes.

On the Friday you were kept indoors all day?—Yes.

Was that by orders of the police?—Yes.

Were you told not to show up on the Front at all until you were sent for?—Yes.

You were told not to let anybody see you?—Yes.

Did you know on the Thursday that you were wanted to try to

Evidence for Prosecution.

William Putland

identify the two men that you had seen?—I was sent for, and that was what I put it down to

Had you told the policemen that the two men you said you saw on the Crumbles you had seen the following day at the coffee-stall?—Yes.

I do not mean at the coffee-stall, I mean in Victoria Place. Did you tell the police that you had seen the two men in Victoria Place on the Friday that you thought you had seen on the Crumbles on the Thursday?—I told them I had seen the same two men as I had seen on the Crumbles.

Are you not identifying all through this case not the people you saw on the Crumbles on the Thursday but the two men you saw in Victoria Place on the Friday?—

Mr. JUSTICE AVORY—He says they are the same.

Cross-examination continued by Sir EDWARD MARSHALL HALL—I know he does, my lord—but was not what was in your mind this you say that the two men you saw in Victoria Place on the Friday were the same as you had seen on the Crumbles on the Thursday—or, rather, one of them, because you could not identify the second man? You only identified one of them?—Yes.

When you were sent out by the police on Saturday, 4th September, you were sent out to see if you could see the same two men as you had seen before?—Yes.

Had you told the police that you had seen two men in Victoria Place?—Yes.

I suggest to you that what you went out and identified was the two men you had seen at Victoria Place?—Yes, and also on the Crumbles.

Because they were the same. You could not identify the two of them as having been on the Crumbles?—Yes, one.

One, I know?—I went down to identify both of them on Saturday, the 4th.

When you were sent out on Saturday, the 4th, under orders, were you told to go and look at men at the coffee-stall?—No, I was told to walk round some people there and see whether I could identify anybody.

Where were the people indicated as being?—On the hill.

How many people were there?—About 100 people.

Men and women?—Yes.

Was nothing said about the coffee-stall?—No.

Mr. Mercer told you to go?—Mr. Mercer asked me to go and see if I could identify anybody there.

Had Mr. Mercer told you he could not identify the people you had seen on the Friday?—No.

Did Mr. Mercer tell you that he had had two men in custody and had released them?—No.

Field and Gray.

William Putland

Never?—No.

You knew nothing at all, and you went out on the Saturday without any indication to identify these two men you had seen before?—Yes.

One of whom you could not identify on the Friday, except that you thought he was the same man as you had seen on the Thursday. If you could not identify the men on the Friday, how could you identify the men as being the men you saw on the Thursday? You never have identified the second one?—No, not the second one.

Re-examined by Mr. GILL—You say you are twenty-three?—Twenty-two.

Has any imputation been made on your character up to the present time?—No

You understand the suggestion made to you that you were going to follow people to try to get money from them?—Yes.

Did you ever do such a thing in your life?—No, I never have.

Do you belong to Eastbourne?—Yes.

Have you been brought up there?—Yes.

Were you in the service of a doctor there?—Yes

Were you with him for two years—or how long?—Just over a year.

Did you leave with an excellent character?—Yes

Was he willing to take you back into his employment?—Yes.

When did you join the Navy?—In March, 1919.

Having served for a time in the Navy, did you leave and then rejoin again?—I left the Navy and I had six weeks at home.

Dr M'Ghee was the doctor in whose service you were, and who was desirous of having you back?—Yes.

You served on the "Victory" for a time and then left and joined up on another ship immediately after?—Yes.

Did you speak to a shipmate at Cowes with regard to what you knew of this matter?—Yes.

After you had spoken to your shipmate, did your commanding officer send for you and take a statement from you on 30th August?—Yes.

The statement is available. Having made that statement on 30th August to your commanding officer, did you on returning to Eastbourne make a statement to Inspector Mercer on 2nd September?—Yes.

Is that your signature to that statement [shown statement]?—Yes.

Mr. JUSTICE AVORY—I cannot accept the contents of this document. The fact that he made the statement is all that I can take. [To witness] I just want to ask you one thing. You say you



Mr. C. F. Gill, K.C.

Evidence for Prosecution.

William Putland

noticed this girl first of all on the beach by the seaplane shed?—Yes.

Did you take notice of her for any particular reason?—Yes.

Did you form any opinion about her at the time as to what sort of looking girl she was?—No.

You did not observe that?—No.

Did you see her face on that occasion when you saw her on the beach?—Yes.

Are you sure you saw her face?—Yes.

How close were you to her?—About 10 yards off.

The Court adjourned.

Evidence for the Prosecution Continued.

FREDERICK WELLS, examined by Mr. GILL—I am a labourer and live at 26 Myrtle Road, Eastbourne. Myrtle Road is close to Alfrey Road and leads into Seaside. I have lived in Eastbourne all my life. I remember being with a sailor friend of mine, William Putland, on Thursday, 19th August, when we saw a girl and two men. We were outside the Alexandra Arms in Alfrey Road when we first saw them on the opposite side of the road.

Just tell us what it was you saw when you were with Putland there?—I saw the two men and the young lady coming towards the Crumbles, and Putland took his bike home and I waited at the corner.

Were the two men and the girl coming towards you?—Yes. They passed me. I had a full opportunity of seeing them.

Can you tell me what the young lady was like?—No, I could not. I never took much notice of her. She was walking between the two young men.

Did you notice anything about the appearance of either of them?—Only about the clothes they wore. The taller one was dressed in a grey suit with a trilby hat, and the shorter one was dressed in a blue serge suit with a light cap.

What was the appearance of the one with the dark suit and the cap?—All I know is he had a big red face. He was carrying a stick, a yellow one, I think. It seemed to me as if it had a dog's head.

Of the two men which was the stouter?—The shorter one.

What would you say as to the age of the men?—I should say they were about twenty-seven or twenty-eight.

With regard to the girl who was with them, did you notice anything at all about her dress?—I could not say much about her dress, I never took much notice of her. She wore a black hat. That is all I could say about her dress.

Did you notice whether she was wearing any coat at all?—I could not swear to the coat, but I thought she was carrying a green coat on her arm.

As she came towards you, could you see her face?—I never took much notice; all I noticed was that she had nice teeth. That was all.

Could you say anything as to the colour of her hair?—She had very dark hair.

After they passed you, how soon did Putland join you?—They had got by me from 20 to 25 yards when Putland came back to me.

Evidence for Prosecution.

Frederick Wells

Had you ever seen those two men that you saw with this girl before?—Only the shorter one. I had seen him in Eastbourne several times in about a fortnight before

What did Putland say when he joined you?—He asked me to follow them.

Did you and Putland follow them?—Yes, I said I would go for a stroll

Did you see what they did when they got to Fort Road?—They got through the fence leading on to the lines.

When they were in front of you and getting under the railing, did you notice anything about that time that the young girl did?—When they got through the fence, she offered what I thought were sweets out of a white paper bag.

When they got on to the Crumbles, where did you and Putland go?—We went straight down Seaside. We passed by them then. They were on one side of the fence and we were on the other.

Going down the road, do you come to a place called the cinder track that goes off at right angles?—Yes, we went up the cinder track

Did anything attract your attention then?—They were just this side of the Fort Road then, and one of them stooped and picked up a kitten that I had seen three weeks before.

As you turned off the Seaside and got on to the cinder track and walked up it, where were they at the time?—About 5 to 10 yards, I should think, this side of the cinder track. They had not crossed over the cinder track—just about the place where the metals cross over the lines.

As they got to that part which crosses the cinder track, how far were you and Putland away from them?—About 50 to 100 yards

Did they follow the railway-line?—Yes

Did you go up the cinder track and get on to the line?—Yes.

When you got as far as the line, what did you and Putland do?—Putland asked me to follow them, and I said no. We turned round and went towards Eastbourne.

While you were speaking to Putland, where were the girl and the two men?—They were still proceeding along the line towards the railway-hut.

About how far along the railway-line had they got before you came away?—They were between 400 and 600 yards from the hut then.

Then you had some conversation with Putland?—Yes.

What did you do?—We turned back then towards Eastbourne, back on to the Seaside.

When did you, if at all, see those two men again?—On Friday morning, the 20th.

Field and Gray.

Frederick Wells

Where were you?—In Victoria Place, leading on to the front.

What were they doing?—They were talking to two young ladies then.

Who were with you?—Putland and another friend, Horace Piper.

When you saw them then, did you recognize them?—Yes.

We cannot have what it was you said, but did one of you—you or Putland—speak to Piper?—Yes.

On Monday, the 23rd, did you go to the police and did you see Inspector Mercer?—Yes. I made a statement which I signed.

At this time had Putland gone away to join his ship?—Yes.

After you had signed that statement on the Monday, were you on the Tuesday asked to go anywhere?—Yes. I was along with Inspector Wells and Mr. Curtis, who were just behind me

On that day who did you see?—I saw the two men talking to three young ladies.

By Mr. JUSTICE AVORY—When you saw the two men, who do you mean?—Field and Gray.

Examination continued—After you had seen them, did you speak to the police?—Yes.

With regard to the two men that you saw, was there one you recognized more than the other?—Yes, Field

Cross-examined by Mr. CASSELS—At this time, Thursday, 19th August, were you in work?—No.

How long had you been out of work?—About three or four days then.

Would that be long enough for you to get unemployment pay?—I was not on unemployment pay. I was “stood off” owing to the slackness of iron coming down.

You have never had unemployment pay?—Yes.

When is it paid in Eastbourne?—Friday now, I think.

At that time?—I could not say.

Did you make an arrangement with Putland on Thursday morning that you would meet him and go for a walk?—No.

When did you see Putland the first time on Thursday?—Just after one, I think it was.

Where did you see him?—In Seaside.

For how long were you in his company at that time?—Only a few minutes

Did you arrange that you would meet afterwards?—No.

What time, in fact, did you meet?—At 2-15.

How long were you in his company before you noticed three persons, as you have described?—About twenty-five minutes to half-an-hour.

Evidence for Prosecution.

Frederick Wells

You saw three persons, you say, coming along?—Yes.

As to the age of the men, you put them both about twenty-seven years of age?—Yes

What was the age of the girl, so far as you could judge?—I should say between twenty and twenty-five.

Are you unable to give us any description of the dress of the girl?—I thought she was wearing a checked skirt then and a black blouse, but I could not swear to that.

I think you noticed her hair?—Yes

Was there something about the hat which you thought enabled you to notice her?—It was turned up at the back and it had a transparent brim.

You were under the impression that she was carrying a coat?—Yes, I thought she was.

At the Police Court did you describe that coat as a green coat?—Yes, I said it was a green coat.

Look at that hat. [Shown Exhibit No. 4] Was it a hat like that? That is the one you recognized at the Police Court?—Yes.

By Mr. JUSTICE AVORY—When you say you recognized it, what do you mean? What do you say about that hat?—I say it was similar to that one.

Cross-examination continued by Mr. CASSELS—Similar in shape?—Yes, and the brim turned up like that.

Transparent, so that you could see through it?—Yes.

In size similar to that?—I could not say the size.

At any rate the transparency of the brim rather impressed you, did it not?—Yes.

Not only that, but it enabled you to see the hair, did it not?—Yes.

When you got to the mortuary, you thought that you could identify the body by the hair?—Yes.

With regard to the men, first of all, would you say that they were dressed alike or not?—No.

Nor in hats were they alike?—No.

One, I think you said, had a trilby hat and the other a light cap?—Yes

In going along, were these people joking and laughing together, or going along quietly?—Just ordinarily.

Whereabouts were they walking?—On the pavement then.

All three on the pavement?—Yes.

At any time while they were under your observation, did you notice that where there was a pavement they always kept to it?—Yes.

Not out on the road at all?—No.

Field and Gray.

Frederick Wells

Putland and you were separated for a few minutes while he went to put his bicycle away?—Yes.

Before he left you to put his bicycle away, did those three people pass you and Putland?—Not before.

Did they pass you while Putland was away?—Yes.

I want to remind you of what you said at the Police Court and see if your recollection is the same now as it was then. Do you remember, in answer to a question in cross-examination at the Police Court, saying this. “ I have a clear recollection of what I saw on that day. The first thing of which I am quite clear is that these people passed me on the St Andrew's Church side of Seaside. At that time we were both outside the Arlington Arms ”?—No, I do not think I said that.

“ Putland said: ‘ I will take my bike home and then we will go for a walk ’ ”?—We were at St Andrew's Church then

“ By the time Putland returned the three people were between the Alexandra Arms and Myrtle Road ”?—Yes.

Was Putland with you when you saw them get through the fence at Fort Road?—Yes.

How far would you be away from them at that time?—Not very far then.

You did not get through the fence at the same place?—No.

You proceeded along the main road as far as the cinder track?—Yes.

Is the Crumbles between the main road and the railway very uneven?—I think it is.

When you got as far as the cinder track and got on to the cinder track, where were they?—They were coming along the lines towards Fort Road, towards the cemetery.

Do you call the cinder track Fort Road?—Yes.

About how far along the cinder track were you when they passed along the railway and passed the point where the cinder track reaches the railway?—About 50 to 100 yards then.

When you got on to the railway, how far ahead of you were they?—About 200 or 300 yards then

You were going much more slowly than they were?—We stopped where the lines cross over the cinder track.

You did not continue to follow them?—No.

Do you know the Crumbles very well?—Yes.

Have you lived there for some years?—Yes.

It is a place which is much frequented by Eastbourne people in the summer time, is it not?—Not a great lot.

The road along there is a fairly busy road, is it not?—The Seaside is.

Do you go so far as to say that it is a very strange sight in that part of Eastbourne to see two men and one girl?—It is for me.

Evidence for Prosecution.

Frederick Wells

Had you up to Thursday, 19th August, ever spoken to Field?

—No.

Mr. JUSTICE AVORY—I think we had better know what he means when he says it is unusual to see one girl and two men together on the Crumbles.

Cross-examination continued by Mr. CASSELS—What do you mean by that?—Because I am not very often there.

How long have you lived in Eastbourne?—All my life.

You have noticed that Eastbourne in the summer time differs from Eastbourne in the winter time. You have the season on in the summer time?—Yes.

And you see girls going about with fellows in Eastbourne through the summer time?—Yes, about the streets.

Do you mean to say you have never seen them going even towards the Crumbles?—Yes, towards the Crumbles.

One woman and two men?—Yes.

Many times?—Yes.

There is nothing particular to attract much attention about that?—No.

Had you ever spoken to Field at all?—No.

During the fortnight that you say you had noticed him about, you had noticed him about alone?—With several others.

Men or women?—Men.

Do you think you would be able to recognize any of the other men?—No.

When did you first hear of the murder?—On the Sunday.

About what time?—Dinner time.

I suppose you read it with great interest, like everybody else in Eastbourne?—I did not read it; I heard it.

You were merely told?—Yes.

You did not go to the police until the Monday?—The Monday.

Why did you not go on the Sunday? Did it not occur to you that there was anything you could recollect or anything of importance that you could say?—Yes, it did.

Why did you not go on the Sunday when you first heard of it?—I thought I would leave it until the next day.

You say you had seen these men on the Friday morning?—Yes

Do you think you could describe the clothes worn by the women in whose company they were on the Friday morning?—In white, I think.

That is as far as you could go; you think they were in white?—Yes.

How many girls were there?—Two.

Not three?—Two.

You are quite clear about that?—Yes.

Field and Gray.

Frederick Wells

And two men, not three men?—They were dressed the same as they were the day before.

But two men?—Yes.

Then you were with Putland again?—Yes.

Did you ever mention at all to Putland that you knew one of these men by sight?—No, I do not think so.

Or that you recognized him in any way on Thursday, 19th August?—I only said I knew him by his big face.

When did you say that?—That was on the Friday, I think.

When you were at the Police Court, you said, "I did not say anything to Putland that I knew one of these men by sight" ?—Only by his big red face, I said.

You generally know a person by sight by the face, but on 19th August did you say that to Putland?—No.

Cross-examined by Sir EDWARD MARSHALL HALL—Did you go to meet Putland on 19th August, or did Putland meet you?—He met me.

In the Seaside about 2-15?—Yes.

Whereabouts?—Just below the Alexandra Arms.

How far from St. Andrew's Church?—A matter of about 100 yards.

What did you and Putland do together for the twenty-five minutes or half-an-hour that you were together?—He asked me to go back and have a drink, and we went into the Arlington Arms.

How long were you in there?—A quarter of an hour.

What did you do when you came out of the Arlington Arms?—We stood outside talking.

How long did you stand there talking?—About ten minutes.

How many people passed you while you stood outside the Arlington Arms that afternoon?—I could not say.

A good many?—I could not say.

Can you tell me whether it was twenty or thirty, or more than that?—No, I could not.

You did not take any notice of it?—No.

What was it that made you take notice of two men and one woman coming along if you had not taken any notice of other people?—Because Putland said he had seen them the day before, the Wednesday.

The fact that Putland said he had seen them the day before was sufficient to draw your attention to these people?—Yes.

I suppose Putland had seen a great many other people in Eastbourne at that time?—Yes.

A great many girls?—Yes.

A great many young men?—Yes.

Evidence for Prosecution.

Frederick Wells

When you saw them first, you did not attach any importance to it then?—No.

There was nothing to make you notice them any more than the other people you cannot remember?—No.

Did you ask Putland, or did Putland ask you, whether you should follow them?—Putland asked me.

Putland went home and put his bicycle away?—Yes.

How long was he away?—Three or four minutes.

During that time, of course, these people had passed you?—Yes. They did not take any notice of you?—No.

Putland came back and then you followed them?—Yes.

At least four or five minutes elapsed before you started to follow them?—About three or four minutes

How far is Putland's house away?—Between 50 and 100 yards from Seaside.

Did he ride his bicycle up to the house or did he push it?—I think he rode it.

Of course he had to walk back?—Yes.

And he had to put the bicycle away?—Yes

How far off were these people on the Eastbourne side of you when you first saw them?—About 100 yards.

When they were 100 yards off, you saw these three people coming towards you. Putland at once said, "I know those three people; I saw them yesterday"?—Yes.

How close had they got to you before Putland went and put up his bicycle?—About 80 yards off then.

So that they had only come 20 yards?—Yes.

Whilst they are still 80 yards off, you had not the smallest idea of what they were going to do or where they were going?—None at all.

When they were 80 yards off you, Putland went and put his bicycle away, and you arranged to follow them together?—Yes.

That is what you tell us?—Yes.

Re-examined by Mr. GILL—Is Putland's house in Alfrey Road eight or nine houses down the road?—I think it is about eight or nine down.

I mean eight or nine houses down from Seaside?—Yes.

When these people were coming and Putland spoke to you about them and you saw them coming, do you remember what it was that Putland said?—He said he saw them the day before, and he said, "I think we will follow them."

Then he took his bicycle home and left it?—Yes.

And then they came along and passed you?—Yes.

You heard of the murder at mid-day on the Sunday?—Yes.

And you went to the police on the Monday?—Yes.

When you went to the police on the Monday, did you give

Field and Gray.

Frederick Wells

a description, as well as you could, of the two men and the girl?
—Yes.

Of the two men and the girl?—Yes.

At that time was a statement taken from you which you subsequently signed?—Yes.

HORACE PIPER, examined by Mr. GILL—I live at 474 Seaside, Eastbourne, and I am a gas stoker. On the morning of Friday, 20th August, I was in Victoria Place in company with William Putland and Fred Wells. While I was there, Putland pointed out somebody to me, and when he did so I saw two fellows and one young lady.

Mrs. ADA WYNNIATT, examined by Mr. GILL—I live with my husband at 393 Seaside, Eastbourne. On 16th August last there was a card in my window saying that I had a room to let. Sometime in the afternoon of that day the deceased girl, Irene Munro, came and saw me and arranged to take the room by the week. She was going to pay 30s. a week for it. She was a stranger to me. She had no luggage with her at that time, and she paid £1 deposit. I think she took it from a little bag, but I am not sure. When she paid me that £1, I could see that she had some other notes. There was somebody in the room on the Monday and it was not free until the following day, so I arranged to find her a place for the night. I have a friend, Mrs. Baulcomb, who lives a few doors from me. It was arranged that the girl should sleep there on the Monday night. On the Tuesday morning she came round to my house for her breakfast about ten o'clock. Her bag was brought to the house in the evening. She was out a good deal on the Tuesday. She came in about one o'clock and went out again in the afternoon. She returned sometime in the evening. I lock the door at night. On Wednesday, the 18th, she had her breakfast in her room and then went out. She came back again in the middle of the day and went out in the afternoon. She came back again before bedtime. I remember her going out to the post and coming back. On the Thursday morning, after she had had her breakfast, she went out. My house is a small house. The room she had was a front room and immediately behind it there is a living-room. From the living-room you can hear people moving in the other room. We usually have our dinner at one o'clock. On that Thursday I heard the deceased girl in her room in the middle of the day. I heard her moving about in her room after dinner. I heard her go out. At that time Mr. Rogers was doing up the house; it was being painted. I heard her come in again and I heard her going about her room for just a minute or so and then going out again. As she went out the last time I heard Mr. Rogers pass a remark to her. I

Evidence for Prosecution.

Mrs Ada Wynnatt

knew that he was working at the front of the house then. The girl never returned. On the Saturday morning the police asked me to go to the mortuary, and I saw there the dead body of the girl who had been lodging with me. I saw her clothes as well, including a green coat. I afterwards handed over to the police her clothes and her little suit case.

Cross-examined by Mr. CASSELS—The Tuesday morning would be the first time that she came to your house definitely to stop?—Yes.

She had slept out at Mrs. Baulcomb's on the Monday night?—Yes.

How was she dressed when she arrived on the Tuesday morning?—She had just a frock on trimmed with gold braid, and short sleeves.

Was she wearing a green coat?—No.

Did she have her lunch in your house on the Tuesday, the first day?—No.

She was out on the Wednesday afternoon, was she not?—Yes.

Could you tell us what sort of a hat she wore on the Wednesday afternoon? Did you see her go out?—No, I did not.

On the Wednesday afternoon while she was out, did you go into her bedroom and notice anything hanging up?—I do not think it was that day. I used to go in every day, of course. One day I saw her green coat hanging there.

She went out on the Wednesday afternoon?—Yes

Could you tell us what she was wearing on that Wednesday afternoon?—I do not remember.

On the Wednesday afternoon did you notice if her green coat was hanging in her room?—There was a coat hanging one day. It might have been in the morning; I do not remember.

Might it have been in the afternoon?—It might have been in the afternoon.

On the Thursday, can you remember about what time it was that she went out in the middle of the day?—About 2-45.

Did she have lunch at your house that day?—No.

Did she tell you during that day at all where she proposed going to?—In the morning she said she was going to Hampden Park.

You did not see her to speak to again that day?—No.

By Mr. JUSTICE AVORY—Does that mean that when she went out on Thursday morning she told you that she was going to Hampden Park?—In the early morning, when she had her breakfast, she said she was going to Hampden Park.

Cross-examination continued by Mr. CASSELS—Coming to your house definitely to stop on the Tuesday morning, do you remember

Field and Gray.

Mrs Ada Wynnatt

if she had any letters on the Tuesday morning?—Yes, I think she had some letters.

How many?—I do not remember how many.

What time did she get home on the Wednesday evening?—About 9-45.

And the same on the Tuesday evening?—Yes, I think it was about the same time I do not quite remember

You did not take much notice?—No, it was not late

Cross-examined by Sir EDWARD MARSHALL HALL—She was a very nice, quiet girl, was she not?—Yes

From what you saw of her, a girl of rather refined manners?—Yes.

It is a word I hate to use, but ladylike?—Yes.

Did she ever talk to you at all?—Very little.

Did she by any chance show you a gold pencil-case she had bought?—No, she did not show it to me She told me that she had bought one.

Did she tell you that she had bought it for somebody called “Uncle”?—Yes.

Did she tell you that she had sent it to uncle?—Yes, direct from the shop where she had bought it.

I think you gave her a latchkey, did you not?—No.

You know that Mrs Munro, the mother of the deceased, produced a letter that she had received from the girl [referring to Exhibit No. 6]*?—Yes

I just want to ask you whether some of the statements in it tally with your recollection. It reads: “I went to Beachy Head on Tuesday evening and lost myself. I did not get back until eleven o'clock” Would that be accurate?—I do not think it was quite as late as that, but I do not remember.

That letter is dated the Thursday. On the Thursday how long had Rogers been working at the house—the whole of that week?—Yes.

Was Verrall working there too?—Yes.

They had been painting your house, I think?—Yes.

The back of your house looks towards the sea and the front faces Seaside Road?—Yes.

You are really on the Crumbles side of the road, the same side as St. Andrew's Church and the same side as the Arlington Arms? Yes.

After the girl went out on the Thursday, you, of course, never saw her again?—No.

On the Friday morning you found that she had not been home all night?—Yes.

* See Appendix II.

Evidence for Prosecution.

Mrs Ada Wynnatt

Did you make any report to the police then?—No.

She did not come back on the Friday night. Did you make a report then?—I made a report on the Saturday morning.

She was away all the Thursday night and then all Friday and Friday night, and you thought it better to report to the police?—Yes. She told me she had friends in Brighton and I thought she had gone to Brighton.

When you went to the mortuary, you were shown this long green coat and also other clothes which you knew to be hers?—Yes.

Of course, seeing the clothes you had no doubt about her?—No.

Do you think it would have been possible to recognize her even without the clothes?—Yes, I think so.

I do not want to harrow your feelings or anybody else's, but her face was a dreadful sight?—Yes

Did she ever tell you that her mother did not want her to go to Eastbourne?—Yes, she said her mother wanted her to go to Scotland with her.

She seemed fond of her mother?—Yes.

Hampden Park is only about a couple of miles from you, is it not?—Yes.

It is a place where a good many people go to walk?—Yes.

Did she say whether she was going to meet anybody at Hampden Park?—No.

Simply that she was going to Hampden Park?—Yes.

For all you know, she may have gone to Hampden Park and got back by the middle of the day?—Yes.

She had no meals at your house except breakfast?—That is so.

So that besides the 30s. a week she would have to pay for her meals?—Yes.

She was very well behaved, was she not?—Yes.

Re-examined by Mr. GILL—There is quite a short cut to Hampden Park if she had gone by the beach?—Yes.

In the letter to her mother she says she is writing on the beach?—Yes.

CHARLES STANDEN, examined by Mr. GILL—I live at 21 Archery Road, Eastbourne, and I am a railway labourer in the employment of the London, Brighton and South Coast Railway. I was with other men working at the Crumbles on 19th August. Two brothers named Hancock were working there also, and a man named Funnell and another named Marchant. Sometimes we walked to our work by the railway line and sometimes by the road. There is a railway-carriage there which is used as a hut for the men to shelter in and to take their meals. On 19th August after dinner I was in the hut along with some other men. I was sitting in the doorway

Field and Gray.

Charles Standen

on the end of the seat. The doorway is shown in the photograph produced. As I was sitting I had a view of the line. The other men were sitting on a form, and there was a window in the hut through which they could see. As I was sitting there, I saw two men and a girl pass along in front of the hut. They came from the direction of Eastbourne, and were walking in the 4-foot way, that is, between the metals. The shorter one of the two, dressed in blue, had his left arm linked to the girl's right arm. The other man was walking slightly in the rear. When I first saw them, they would be 200 to 300 yards away. I took particular notice of them when they were about 10 to 15 yards away. That was before they got level with me.

How close would they have to come to pass you?—I should think it is 2 to 3 yards from the nearest rail to the hut.

How did they seem to be getting on together?—They were very jolly and excited.

Did you notice that?—I noticed that.

Had you an opportunity of seeing the girl as she approached you?—Yes.

Did you look at her?—Yes

What did you notice about her appearance?—I particularly noticed her features. I noticed the eye sockets were very dark and her upper teeth were rather prominent and she had dark hair.

The man, who you say had hold of her arm, you say was dressed in dark clothes?—Dressed in blue clothes.

Can you give me any idea of his appearance?—He was rather smart in appearance, but I never took much stock of him bar his clothes.

I am speaking of the man who was actually walking with her and who had hold of her arm?—That was the man in blue. I never took any particular stock of his face.

What happened with regard to the other man?—When I first took stock of the girl, I happened to bend down to put my elbow on my knees, which would take a very short space of time, and of course my eyes were on the floor of the hut at that time, and then the man in grey came very suddenly and placed a kitten in the doorway.

Did you notice that that man was dressed in grey?—Yes.

As he did it, did he say anything?—He said, "Here you are, here's a kitten for you."

When that happened, what became of the three people?—They walked on towards the direction of Pevensey. I just had a glance at the rear of them through the window and saw no more of them.

As you pass the hut, does the line branch off to the right?—Yes.

About how far did you see them?—From sitting in the doorway

Evidence for Prosecution.

Charles Standen

I turned round with the kitten in my arms and I could just see the backs of them as they passed the window, and I did not see any more of them.

As they passed the window and you saw them, did they do anything which attracted your attention?—I think they all waved their arms, and someone passed the remark, “Look after the kitten.”

I asked you whether you went to your work on the engine and you said no. Does the engine come there to take you away from your work?—We generally go away on the engine.

On that day about what time did you go?—Anything from 3-40 to four o'clock.

Am I right that on that day you did not go back to your work after this happened but went away when the engine came for you?—That is right

Had you noticed any other woman pass there that afternoon?—No one.

Were you seen by Inspector Mercer on Saturday, the 21st?—Yes.

Did you subsequently go to the mortuary?—I went on the Saturday morning.

Did you see the dead body there?—Yes, and I identified her as the girl I saw.

When you went to the mortuary, were you alone; were any of the other men with you?—No, I went alone.

Some days after that were you asked to look at a number of men?—Yes.

Were you able to identify any of them?—No

Cross-examined by Mr. CASSELS—Did you notice, as these people passed you, anything about the hats of the men?—No.

What was the impression made upon you as they passed as to their hats?—They wore no hats.

By Mr. JUSTICE AVORY—Your impression is that neither of them wore a hat?—Neither of them wore a hat; that is my impression.

SAMUEL HANCOCK, examined by Mr. GILL—I live at 553 Seaside, Eastbourne, and I am a labourer in the employment of the Railway Company. I work on the Crumbles, dealing with the ballast there. On Thursday, 19th August, I was working there along with my brother and Standen and some others. I was in the railway-hut in the afternoon, and while I was there I noticed two men and a young lady pass the hut.

What did you notice about the young lady?—She seemed very cheerful as she passed.

Field and Gray.

Samuel Hancock

Did you notice anything about her appearance—her complexion or anything of that kind?—She was a dark young lady—dark complexion. Her hair was also dark.

What sort of coloured hat had she?—Black. I did not notice whether there was any trimming on it.

Could you tell me at all what either of the two men was like?—No, I could not.

Did you notice what either of them was doing at the time?—One put a cat in the hut, and the other walked on a bit.

What was he doing?—Walking along with the young lady.

Did you notice in what way he was walking with her?—He had his arm round her waist.

By Mr. JUSTICE AVORY—Was that the same man who put the cat into the hut?—No, it was the other man.

Examination continued—Did you notice whether that man was carrying anything in his hand?—He had a stick.

Could you tell whether he was wearing light or dark clothes?—Dark clothes.

Could you tell me whether he had a hat or a cap?—That I could not say.

Could you tell me what kind of clothes the other man who had not got his arm round the girl was wearing?—Grey.

When you first saw them, how far off were they from you?—About 2 yards when I first saw them.

When the cat was put into the hut and they walked on, about how far did you see them walk on past the hut?—They were about 100 yards away from the hut when I last saw them.

The man who had his arm round the girl, where were he and the girl walking?—In the 4-foot way.

The last that you saw of them they were walking away past the hut?—Yes.

Do you know now the place where the dead body was found?—Yes.

How were they walking with regard to that?—They were walking in the same direction.

On the Saturday were you seen by Inspector Mercer and did he take a statement from you?—Yes.

Did you on that day go to the mortuary?—Yes.

Did you see the dead body there?—Yes.

What did you say with regard to it?—I said that was the girl that was there.

Cross-examined by Mr. CASSELS—Were you later on taken to see a lot of men to see if you could pick out the two men?—Yes.

Did you fail to pick out anybody whom you could recognize?—Yes.

Evidence for Prosecution.

Samuel Hancock

Cross-examined by Sir EDWARD MARSHALL HALL—My learned friend has been very fair in his questions. I think he asked you whether the man who was walking with the young lady had either a hat or a cap. As a matter of fact, did you notice whether he had a hat or a cap at all?—No, I did not.

What time did you leave off work that day?—About 3-45.

You know this hole where the body was found?—Yes.

I suppose you have often walked along the 4-foot way?—Yes.

There is a very big hole about 10 ft. deep close to the 4-foot way as you walk along?—Yes.

Although it is quite true to say that these people were making in the direction of the hole, they were also going in the direction of Pevensey?—Yes.

You saw them for 100 yards, you say, and they might have branched off to Pevensey?—Yes.

They would go to the right to get to where the hole was, and to the left to get to Pevensey?—Yes

On the Saturday morning you went to the mortuary?—Yes.

Did you know that Standen had been there also?—No.

Re-examined by Mr. GILL—When you saw them last, had they got as far as where the line turns off?—Yes.

Which way had they gone?—Round towards this spot.

By Mr. JUSTICE AVORY—That is turning to the right?—Yes.

Where the line forks?—Yes.

ALBERT HANCOCK, examined by Mr. GILL—I live at Eastbourne and I am employed by the Railway Company. I work with my brother and others at the Crumbles. On Thursday, 19th August, I was in the railway-carriage that is used as a hut there. That was in the afternoon. While I was there I saw two men and a young lady pass about a yard away from me. I had an opportunity of seeing the young girl's face when she looked in the window. She looked in the window and said, "Take care of the cat." I noticed she had dark hair. I did not notice what kind of hat she had on; I did not notice the colour of it. One of the men was walking with her and had his left arm round her waist. That man appeared to be dressed in dark blue. The other man was walking on the other side of them, the other side of the 4-foot way. By the time they came to me they had passed the door of the hut. They seemed to be quite happy because they were laughing and joking. The other man had grey clothes on. They were men, I should say, between twenty and twenty-four years of age. The girl had something on her arm, but I could not say what it was. I saw them only until they just passed the window, and I never saw any more of them. I made a statement to Inspector Mercer on Saturday, the 21st, and I went to the mortuary

Field and Gray.

Albert Hancock

and saw a body there I identified the body as Irene Munro, the girl who had walked past the hut and looked into the window

Cross-examined by Sir EDWARD MARSHALL HALL—You saw the dead body in the mortuary and identified it as Irene Munro?—Yes.

On Saturday, the 21st?—Yes.

Do you really mean that?—Yes

By Mr JUSTICE AVORY—He means in a different sense to what you do [To witness] It is quite clear you had not known her before?—No.

Cross-examination continued by Sir EDWARD MARSHALL HALL—This girl, according to her photo, you had seen when she put her face in at the window and said, “Take care of the cat”?—Yes.

The railway-hut is rather a dark place?—Yes.

You went and made a statement to Inspector Mercer?—Yes

Did he show you a sheet of photographs?—No.

You were not shown a sheet of photographs or any photograph at all?—No.

You never saw a photograph until you went to the mortuary?—That is all.

Did you see a photograph then?—No.

You never saw a photograph at all?—No.

Had you seen any pictures in the papers?—Yes

Before you went to the mortuary or after?—After.

Therefore you had seen nothing at all when you went to the mortuary to identify this girl except what view you had when she had her face at the window?—Yes.

And you are quite sure it was she who called out “Take care of the cat”?—Yes.

Is that what you saw in the mortuary [shown photograph, Exhibit No 36]?—Yes.

Is that a fair photograph of what you saw in the mortuary?—Yes.

Do you say from that that you could recognize the features of a girl that you had momentarily seen at the window when she said “Take care of the cat”?—Yes

Re-examined by Mr. GILL—What you saw in the mortuary was, of course, the dead body of a girl?—Yes

And looking at the dead body as you saw it there, could you remember what the face was like of the girl you had seen on the Thursday?—Yes.

You have spoken of her hair. Could you see the hair on the dead body?—Yes.

Evidence for Prosecution.

Martin Funnell

MARTIN FUNNELL, examined by Mr. GILL—I live at Shaftesbury House, Seaside, Eastbourne, and I am in the employment of the Railway Company. I work on the Crumbles. On the afternoon of Thursday, 19th August, I was at the railway-hut along with the two Hancocks and Standen when I noticed two gentlemen and a young lady pass the hut. My attention was attracted to them by the fact that one man had his arm round the girl's waist and the other man was carrying a kitten. They would pass me at a distance of about 2 yards. The man and the girl were walking in the 4-foot way.

How did they appear to be getting on together?—They seemed very jolly.

How was that shown?—They were laughing and talking.

Could you tell me at all what she looked like—her complexion or her hair?—She was a very dark girl with dark hair.

Did you notice what kind of hat she had on?—She had a black hat turned up at the back.

Was there anything about the appearance of the man who had his arm round the girl that you noticed?—No, only that he was a full-faced man of about 5 ft 5½ ins., and he was wearing a blue suit.

Was he a pale man?—No, a red-faced man.

How was the other man who had the kitten dressed?—He was dressed in a dark grey suit.

Were you sitting on a form looking out of the window?—Yes.

How far did you see them?—About 20 or 30 yards.

As they passed?—After they passed

Going on in the same direction?—In the same direction.

Did you make a statement on Saturday, 21st August?—Yes, and I went to the mortuary and saw a dead body there.

What do you say as to the dead body you saw there?—I say that was the girl I saw on the Thursday afternoon.

Cross-examined by Mr. CASSELS—Did you go alone to the mortuary?—No

Who went with you?—The men who were in company with me in the afternoon when I saw the girl.

Four of the men who were in your company in the hut?—Yes.

That would be Standen?—No, not Standen—three men, the two Hancocks and Marchant.

Four altogether. You all went together to the mortuary and viewed the body?—Yes.

Cross-examined by Sir EDWARD MARSHALL HALL—I think you said to the best of your belief it was the girl?—Yes.

Field and Gray.

Martin Funnell

When did you hear of the body having been found—of the murder?—On Saturday morning.

Did you know, when you were taken there, that you were going to see the body that was found in the hole?—Yes.

HORACE MARCHANT, examined by Mr. GILL—I live at Eastbourne, and I am employed by the Railway Company on work on the Crumbles in connexion with the ballast there. On the afternoon of 19th August I was at the railway-carriage, and my attention was attracted to two chaps and a young woman who passed the hut. They came from the direction of Eastbourne. I did not notice how they were walking. I was in the railway-hut at the time. There is a large window in the hut. Sitting where I was in the hut, I should say they would pass me about 8 or 10 ft. from the window of the hut.

As they passed, did you notice the girl for any reason? Did she do anything?—Only smiled—looked in at the window and smiled.

Did you notice what sort of hat she had on?—A black hat.

Did you notice whether there was any difference between one man and the other?—One was taller than the other, if that is what you mean, and one appeared to be younger than the other. One was fairly thick set, and one was slighter but taller.

Which one had the kitten?—The taller one

When they had got past you, in what direction were they going?—They were going in the direction of the line we were loading the beach from—towards Pevensey, we will say.

How far did you see them, do you think?—About 70 yards.

Had they got as far as where the line turns off?—Just as far as that when I saw them last.

You know the place where the body was found?—Yes.

Is that in that direction?—That is right.

EDWIN MACMULLEN, examined by Mr. GILL—I live at 299 Seaside, Eastbourne, and I am an attendant at the Hippodrome there. I know both the accused. About three months before 19th August I lent Field 2s. On the evening of Thursday, 19th August, about quarter to eight, while I was in attendance at the Hippodrome, I saw Gray and Field come from the direction of the stalls. The prices of the stalls, early doors, were 1s. 10d., 2s. 1d., and 3s. There were two houses a night and it was the first house when I saw them. They were together. As they came to where I was, Field asked me whether I was going “to have one,” and I said yes. We all three went to the bar and stood at the bar door. They had a Bass and I had a Worthington. It was Field who called for the

Evidence for Prosecution.

Edwin MacMullen

drinks. After we had drunk the beer, Field gave me the 2s. that he had borrowed off me three months before

What did you say?—The words I used were, “ Well, have you been setting about somebody then? ” The price of the two Basses and the Worthington would be about 2s. 1½d I saw them again that night between 10-30 and 10-45 when they were coming back into the pit.

After that do you remember an occasion seeing Field with a hat that you had not seen him with before?—Yes.

What sort of hat was that?—A darkish brown trilby.

Was that before his arrest?—After he was arrested and released It would be about three to four days after.

Upon any occasion did Field say anything to you about a sailor?—No.

Did Gray mention a sailor to you?—Yes. He said, “ Have you seen what it says in the papers about that sailor? ” I said, “ No, I do not want to know anything at all about it, ” and I walked into the pit-door bar and left Gray standing out in the passage.

Was Field there?—No, he was inside.

Cross-examined by Mr. CASSELS—You have known Field for how long, do you say?—Twelve to eighteen months.

And I suppose during that time you have often had a drink with him?—No, I have had one or two—not often

You paid sometimes and sometimes he has paid?—No

Do you mean he has paid always?—It was only about twice.

On those two occasions?—He paid.

And I notice upon this occasion he asked you what you would have, and you at once said a Worthington, did you not?—Yes.

That is a bottled beer?—Yes.

On the other two occasions, can you remember, did you call for a Worthington or Bass?—It is so long ago I cannot remember

Did Field often come to the Hippodrome?—At one time he did, but since he borrowed the 2s. I had not seen him there for a couple of months.

Perhaps you are associating the two incidents, are you?—No.

You mentioned them together. At any rate, you got your 2s. back on that night, did you not?—Yes.

Had you seen him in the bar at the Hippodrome before that night? I suppose when Field used to come to visit the Hippodrome before he borrowed the 2s. he would go into the bar?—Oh yes.

And, for all you know, might drink bottled beer?—I could not say. I am not always in the bar. It is only now and again.

Cross-examined by Sir EDWARD MARSHALL HALL—You knew that these two men had been detained?—Yes, I knew they were detained.

Field and Gray.

Edwin MacMullen

After they had been detained, one evening Gray came in and said, "Have you seen something in the paper about a sailor?"—Yes. When he first came in he asked whether his mate, Field, was there.

And then he said, "Have you seen something about a sailor?" This muider was the sole topic of conversation?—Yes

And he said something about that?—I said I did not want them there; I did not want anything to do with them

As a matter of fact Gray had been employed at the Hippodrome?—Yes, he was a gallery attendant

And he used to come in on the cheap. He was not supposed to, but I suppose he was allowed to sometimes?—Not in the pit.

Did he come into other parts of the house?—I cannot say.

Just before he left he had rather bad luck. A boy hit him over the head with a piece of iron?—Yes, and he knocked him out.

And the boy was fined?—Yes, 40s

WILLIAM HENRY ERNEST WESTBROOK, examined by Mr. GILL—I was at one time a military policeman, and for some reason or other they call me "Billy the Redcap." On Thursday, 19th August, I was in the course of the evening in a place called the Albemarle. While I was there, I saw a man named Thompson in another part of the bar. I also saw the two accused in the course of the evening. I talked to them and had a drink with them. We had two drinks each. Field called for the first one and Gray called for the other one. Field paid for the one and Gray for the other. I believe I had a bitter and I also believe the other two had bitters. That would be about 2s. 3d. for the two lots of drink. I left with them at closing time. The other man Thompson also left at that time. Closing time was at ten o'clock, but there was a little argument outside which lasted till 10-30. We parted about 10-30.

Cross-examined by Mr. CASSELS—I was not wearing my uniform then; I had been discharged from the Army. I would be with Field and Gray in the bar for about an hour and a half. I was not with them all the time, of course, because I was speaking to a number of acquaintances who were in the bar that night. I would be in conversation with Field and Gray for a matter of twenty minutes to half-an-hour.

HERBERT JOHN BURTON, examined by Mr. GILL—I live at Eastbourne, and I am in the employment of the Sussex Stores. I know the two accused, Field and Gray. I had known Field for some time before August, but I did not know Gray for very long before then. I remember 19th August. I had lent Field 7s. two or three months before then. I did not lend him it all at the one

Evidence for Prosecution.

Herbert J. Burton

time; I think it was 3s and twice 2s. On 19th August I was at the Hippodrome and I saw Field and Gray just inside the pit entrance between 10-30 and 10-45. Field asked me how much money he owed me. He took his purse out of his pocket and gave me the 7s, and he had only a few coppers left in his purse. I had not seen him that evening before I met him at the Hippodrome. I thought they had been drinking a little, but I am not sure.

Cross-examined by Mr. CASSELS—They had been drinking a little. What does that mean?—Well, I am not sure—well, I think that they had had a little.

Are you sure about that?—They spoke as if they had had a little to drink.

Just let me see if I can remind you of the occasion. Field asked you how much he owed you, did he not?—Yes.

And you said 9s., did you not?—Yes.

And did he at once say, “Now, don’t you try to pull my leg; it is only 7s.”?—Yes, that is right.

And he paid you 7s.?—Yes, he paid me 7s.

So he was sober enough for that?—Yes, he was sober enough for that.

And did he take it out of a gentleman’s purse?—Yes, it was a gentleman’s purse.

ALBERT COSHAM, examined by Mr. GILL—I am an attendant at the Hippodrome. I know the accused Gray by sight, and I also know the accused Field pretty well. I was present when the money was paid to Mr. Burton.

Cross-examined by Mr. CASSELS—Was Field smoking cigarettes? Do you remember that?—Yes.

Tell us what sort they were?—Turkish.

And the brand?—No. 5.

How much do they cost?—1s. 4d. an ounce.

How many to the ounce?—Between eighteen and twenty.

Re-examined by Mr. GILL—Do you know the price of Abdullah cigarettes?—No, I do not.

HILDA MAUD BAXTER, examined by Mr. GILL—I live at Colchester. In July of this year I was in Eastbourne; I was employed as a scullery maid at a house called Ravenhurst in St. John’s Road. Two of my fellow-servants there were a Mrs. Hawes and her sister-in-law. Walking down St. John’s Road, you come out on to the Front near the Wish Tower [shown on the extreme left of the plan, exhibit No. 2]. I remember Thursday, 19th August. I had not been out during the day at all, but I went out that night to post a

Field and Gray.

Hilda M. Baxter

letter, between eight and nine o'clock. The letter box is at the corner of St John's Road at the Seaside end. While I was posting the letter at the pillar box, two young men spoke to me. They were the two accused, Field and Gray. They were both together. I had never spoken to them before that I can remember. I had been in Eastbourne since 29th July. The two young men said "Good-evening, miss," and I said "Good-evening." They asked if they might walk home with me. I do not remember which of them said that. I think one of them had a dark suit and the other had a light coat and light trousers on. They walked home with me as far as Ravenhurst, about five minutes' walk. Nothing was said as to who they were or what their names were that evening. When I parted with them, I did not know who they were at all. I next saw them on the following Sunday. I met them in the evening somewhere along the sea-front. I think it was by the Wish Tower. It was not very far from where I had met them before. We sat on one of the seats and talked. They asked me how long I was staying in Eastbourne, and I said I was going away on the Saturday. They asked me why I was going and I said I did not like being in Eastbourne.

Did you say the reason?—Because I was afraid of getting murdered myself.

Did you say where you were going to?—Yes, I said I was going home to Colchester.

Did either of them say anything to that?—No, not on the Sunday.

Can you remember anything else that happened on the Sunday night?—Yes, when I said I was afraid of getting murdered myself they said, "It is not Eastbourne; it is the people that come from London."

During that evening did you know anything as to what their names were?—No, I am not sure whether they told me on the Sunday or the Monday.

What time did you part with them on the Sunday?—It was about five minutes to ten, I should think.

Was anything said about meeting again?—Yes

Who made any appointment with you?—I think it was Gray

What was the appointment?—To meet them on the Monday afternoon at 3-30 at St. John's Road.

On the Sunday night while you were with them, did anybody pass who knew you and speak? Was anything said about your name?—Yes, one of my fellow-servants.

What happened?—She said, "Good-night, Miss Baxter."

Do you carry a little bag with you?—Yes, always.

When you were with them, had you a bag with letters with your name on them?—Yes, I had.

Evidence for Prosecution.

Hilda M. Baxter

Did you meet the two of them on the Monday?—Yes.

When you met them in the afternoon, where did the three of you go?—We went up by the golf links.

When you got up there, what did you do?—We picked some blackberries and then sat on the bank eating the blackberries, and then I think we went home to tea.

Up to that time did you know who they were?—Yes, they told me their names on Monday afternoon—Billy White and Jack White. The tallest one said that his name was Billy White, and the other one did not tell me what his name was, he said they were both brothers.

By Mr. JUSTICE AVORY—The tall one said they were brothers, did he?—Yes

Examination continued—Did they say anything as to where they lived?—Yes, they said they lived near the Hippodrome.

Did either of them say anything about Colchester?—Yes, they said they had met me in Colchester. I do not remember who said that.

Had you met them in Colchester?—No, I had never seen them until I came to Eastbourne.

When you had seen them at Eastbourne, where had you seen them?—I saw them on the sea-front by the Wish Tower.

Do you mean in passing you had seen the two men sitting there?—Yes.

Except passing them in that way and seeing them sitting there, had you ever had anything to do with them?—No.

Then did you go home to tea?—Yes.

And was there any appointment to meet again?—Yes, about seven on the Monday evening.

And did you meet the two of them?—Yes. We went for a walk along the sea-front and sat on the last seat.

While you were sitting there on the Monday evening, did you have some conversation?—Yes.

Was anything said about Pevensey?—Yes, they said they had been to Pevensey.

Were you asked any question about Pevensey?—I cannot remember.

Tell us what was said?—They said they had been to Pevensey on Thursday afternoon and they called in at an ice-cream shop somewhere at Pevensey and they came back by the quarter-past five bus.

I want you to tell us, as nearly as you can, the order of the conversation when you were sitting on this seat and talking together. Do you remember what had been said before you spoke about Pevensey, or what led up to speaking about Pevensey on the

Field and Gray.

Hilda M. Baxter

Thursday afternoon?—I do not think I can remember what led up to it.

But you remember they were talking about Pevensey?—Yes.

By Mr. JUSTICE AVORY—Are you sure they used the word “ Thursday ”?—Yes, I am positive.

The previous Thursday?—Yes, I am positive.

They said that on the previous Thursday they had been to Pevensey?—Yes.

Examination continued—When they spoke of the quarter-past five bus, did Field or Gray say anything about what happened, or as to what either of them had said?—Yes, that they were both sitting by the driver and that Gray asked the driver the time and he said it was a quarter-past five.

Did they tell you what either Gray or Field said about that?—Yes. Gray said Field said to him, “ Good God, have we been all that time coming from Pevensey? ” and then he said, “ Oh well, it is not so long as we have been walking so slowly ”

Was anything at all said as to your ever having been to Pevensey?—Yes. As far as I remember they asked me if I had been to Pevensey.

Had you ever been there?—No, I had never been there.

While you were sitting on that seat and this conversation was going on, at any time had one of them a newspaper?—Yes.

Do you know what newspaper it was?—Yes, it was the special edition of the *Eastbourne Gazette*.

[Shown Exhibit No. 39] Was it a paper like that?—Yes.

Who was it who had the paper?—It was Gray.

Was there some conversation then about what was in the paper?—Yes. Gray said that the police were looking for two young men in grey, and then he said, “ If they are looking for them and find them, why don’t they take them up? ”

While you were sitting there and talking in this way, did anybody read out or refer to any of the things mentioned in the paper?—Yes. Gray was reading it. Miss Munro’s bag was spoken of, and her ring and the money she had in her pocket.

By Mr. JUSTICE AVORY—Was this both of them, or Gray?—Gray.

Examination continued—Who was speaking?—Gray.

During that time had you got your bag with you?—Yes; I always carry it.

Had you got a watch?—Yes, I did have a watch.

Was it out of order?—Yes. Gray said he would take it and get it repaired for me.

And give it to you when?—On the Saturday when I was going away. I gave him the watch.

Who saw you home that night?—Gray.

Evidence for Prosecution.

Hilda M. Baxter

Where did you part with Field?—By the Wish Tower, I think. Then Gray walked up home with you?—Yes.

Did he leave you outside the door?—No, he left me at the corner of St. John's Road

Was any appointment made?—Yes, we arranged to meet again on the Tuesday, the next night, when I came out to post letters.

Some time on the Tuesday did a police officer come to see you?—Yes.

Is there a word of truth in the story that you were with them at Pevensey on Thursday, the 19th, and that you walked from Pevensey back with them and that they parted from you at ten minutes past five, having taken you into an ice-cream shop, and that you took the bus to go to the station? Is there a word of truth in that?—No, it is very untrue.

Have you told my lord and the jury of each time that you met these two men, the night when you were posting the letter, and then on the Sunday and then twice on the Monday?—Yes.

Are those all the occasions upon which you met them?—Yes.

We know that they were detained by the police on the Tuesday and released on Thursday, the 26th. Did either of them ever come to see you?—They came up to the house, but I just went to the gate and went indoors again. I never spoke to them.

Did you leave Eastbourne on the Saturday?—Yes

On the Thursday, I think you have already told me, you were in the house all day?—Yes.

In the afternoon did you have tea with Mrs. Hawes and her sister-in-law?—Yes.

Cross-examined by Sir EDWARD MARSHALL HALL—How long were you in this employment that you were in first?—At Eastbourne, nearly a month

How do you know it was Thursday, the 19th, you went out to post the letter, and that was the first day you met them?—I have seen the letter since.

Because the letter was written on the 19th?—Yes.

Did you have a half-day off?—Yes.

What was your half-day?—I had no fixed day; it varied.

On the Monday I suppose you had a half-day off?—Yes

You had been blackberrying on the Monday?—Yes

I suppose sometimes these young men do say they have seen young ladies before when they meet?—I daresay; it seems that they do.

ELSIE MAY HAWES, examined by Mr. CASSELS—I was in employment at Ravenhurst, St. John's Road, Eastbourne, in August last. On 19th August Hilda Baxter was at home during the whole of the day until the evening.

Field and Gray.

Elsie M. Hawes

Cross-examined by Sir EDWARD MARSHALL HALL—When were you first asked to remember 19th August; it was some weeks after, was it not?—On the following Tuesday.

Then you cast your mind back to the Thursday?—Yes

Was Hilda Baxter at home on the Wednesday?—No, we all three of us went out in the afternoon.

But she was at home on the Thursday?—Yes.

You are quite sure of that?—Yes.

JESSIE HAWES, examined by Mr. GILL—I am a sister-in-law of Elsie May Hawes, and I was in the same employment at Ravenhurst in August last. I was kitchen maid and Miss Baxter was the scullery maid. On the afternoon of Thursday, 19th August, Miss Baxter was at home. She had tea with us in the kitchen. We all had tea together.

HERBERT HUBLE, examined by Mr. GILL—I am a sergeant in the Royal West Kent Regiment. In August of last year I was at Summerdown Camp, about 2 miles out of Eastbourne. I remember on Saturday morning, 21st August, hearing of the murder and of the body having been found. I saw it in the papers. I remember two men coming to the camp that forenoon inquiring about enlisting. They were the two accused. They came together. They asked to see the recruiting sergeant. Gray said he had been out of work for two years and had a wife and house to keep, and that he only got his donation pay, and that they had reduced his pension. I went and made some inquiries and came back and told them I could not find the recruiting sergeant, but that they would have to go to Bexhill. I made inquiries at the orderly room and told them that they would have to go to Chichester and their fares would be repaid to them if they were accepted.

Cross-examined by Sir EDWARD MARSHALL HALL—I knew that Gray in fact had a pension and that it was reduced, but I did not know that it was that very week that it had been reduced. He only told me that it had been reduced.

Cross-examined by Mr. CASSELS—Summerdown Camp was the nearest camp to Eastbourne, and in the ordinary course we would have had a recruiting sergeant there, but he happened to be away that day. Field did not tell me anything about being out of work and only having unemployment pay; he said nothing at all.

By Mr. JUSTICE AVORY—You speak of the men as Field and 188

Evidence for Prosecution.

Herbert Hubble

Gray. Did either of them give any name during their conversation with you?—No

You merely describe them as Field and Gray because you know them now?—Yes.

RICHARD JAMES HOWELL, examined by Mr. GILL—I am circulation manager and publisher for Messrs. Beckett, the proprietors of the *Sussex County Herald*, the *Eastbourne Gazette*, and the *Worthing Herald*. The body of the deceased girl was found on the Friday evening. The placards making known to the public by the press the fact that the body had been found were sent out between 6 a.m. and 8 a.m. All the papers were taken up at once. The fact would be made known before 8 a.m. There are two of our agents in Susans Road.

Cross-examined by Sir EDWARD MARSHALL HALL—[Shown Exhibit No. 39] Is that one of your papers, the *Eastbourne Gazette*?—Yes. That was a special edition issued on Monday, 23rd August.

If I may use the word “feature,” the feature of it was this terrible discovery?—That is so.

Was the information you got from which this was published information supplied by the police?—That I could not tell you anything about. I am the circulation manager, and I have nothing to do with the news.

It is headed “Beach Murder—Opening of the Inquest,” and this is what it says—

The police have interviewed the mother of the deceased girl, Irene Munro. The girl is not quite eighteen years of age. Her movements have been traced during Monday, Tuesday, and Wednesday. About 4 p.m. on Thursday she was seen walking along Seaside, past 393 Seaside (where she had been residing) with two fairly tall young men dressed in grey suits of herring-bone pattern. Just prior to this she had come out of the house and turned towards Eastbourne apparently to meet these two men, neither of whom wore hats. Almost immediately afterwards she came back, walked towards the Crumbles, the three then being in conversation. The deceased always carried a blue, faded silk handbag about nine inches in depth and six inches wide, with a plain white metal snap fastening. The handle of the bag was to pass over the arm and was of the same material as the bag. Deceased always wore a 9 ct. gold ring with a round cluster of four, five or perhaps six small brilliant white stones. She is believed to have had between £2 and £2 10s. in her possession on Thursday morning. The bag, ring and money cannot be found. The police are anxious to trace the missing articles (which can be identified) and the two men above described

Then there is a whole lot of the evidence set out—in three columns—and on the right-hand side, still on the front page, there is an inset like a theatre programme setting out all the characters, headed “Figures and Points in the Story.” It says—

Irene Munro, aged seventeen, London typist, found buried on the

Field and Gray.

Richard J. Howell

Crumbles on Friday *Mrs Munro*, her mother, on holiday in Edinburgh at the time *Willie Weller*, a London visitor, aged thirteen, who found the body *Mrs A. Wynnatt*, 393 Seaside, with whom Miss Munro was staying. *Mr Lamb*, of 32 Manifold Road, who dug up the body *Charles Verrell*, a decorator's apprentice, who saw Miss Munro in the company of two men *Mr J C Rogers*, a house decorator, who spoke to the deceased when she returned to the house for her coat. *Chief Detective Inspector Mercer*, of Scotland Yard, in charge of the case, with the assistance of *Chief Detective Inspector Wells*, of Eastbourne. Motives: Outrage, robbery or jealousy. Clues being followed a sandy kitten, a button of peculiar design, a large blood-stained stone. Police want trace of deceased's handbag and ring, and whereabouts of two young men dressed in grey suits of herring-bone pattern.

That was the feature of the paper, was it not?—I could not tell you that I am the circulation manager and the publisher; with regard to the features I know nothing. My duties are to publish the paper and to attend to the sales.

I suppose the sales are all that matter to you?—That is all.

By Mr. JUSTICE AVORY—You do not care what is in it?—I do not

Cross-examination continued by Sir EDWARD MARSHALL HALL—On the inside page, look at this—right across the top in big letters—“The Full Story of the Crumbles Murder.” There are three columns of it, and inset in the middle of the page there is this—

Police Description of Girl Miss Munro was a good-looking full-faced girl, with dark brown hair and brown eyes. She was about five feet nine inches in height and was aged seventeen, although her age was put at twenty-five from her appearance.

This purports to be a portrait of her on the front page, and this purports to be the police description of her on the middle page?—I could not tell you whether it was a portrait of her or whether it was a description of her.

This was published on the early morning of Monday, 23rd August, was it not?—No, that would be published in the evening; we did not publish a special edition in the morning. It would be published any time between five and seven o'clock in the evening.

Re-examined by Mr. GILL—That, of course, would be the Monday evening, would it not?—Yes

The placards and the paper of Saturday would have been available for the public when?—Between 5 30 a.m. and 8 a.m. on the morning of Saturday, 21st August.

When you speak of having two agents in Susans Road, would they have placards?—Yes, they would have had placards.

CHARLES BRIGGS, examined by Mr GILL—I live at Assams Place, Hampstead Gardens, and I am a wheelwright to trade. I was at

Evidence for Prosecution.

Charles Briggs

Eastbourne in August of this year. On Monday, 23rd August, I was on the Crumbles making my way towards the main road in order to go to Eastbourne. When I was getting close to the road, my toe caught on a stone and that caused me to look down, and on looking down I discovered a bunch of keys [Shown Exhibit 14]. Those are the keys I refer to. I was about 150 yards from the road at the time I found them. I knew the place where the body had been found. Taking a line from the place where the body was found, if anybody wanted to strike the road to get to Eastbourne, they would pass the place where the keys were found. I had to pass by the huts to get across to it. I afterwards handed the keys over to the police.

Cross-examined by Mr. CASSELS—By the huts I mean the carriages which the workmen use [Shown photograph]. That is the one I refer to. It is a railway-carriage. It was just past there going in the direction of the road where I found the keys. They were lying on the top of the ground. The tripping over the stone on my part disclosed the keys; as I caught my foot it caused me to look on the ground, and, of course, the keys were on the ground where I had kicked the stone, just within an inch or so.

WILLIAM HENRY THOMAS GRAYLING, examined by Mr. GILL—I am a laundry man and I live at Eastbourne. I have known the two accused Field and Gray for some time. After they had been detained and released on 26th August, I met them near the Pier Hotel. I went into the Pier Hotel with them.

Did either of them tell you what it was that had happened to them?—Yes.

What was it they told you?—I first met Gray and Field outside the Pier Hotel. Gray said to me, “We have been locked up.” I said, “What for?” and he said, “As regards the Crumbles turn-out.” I said, “That is rather surprising.” With that I asked them if they would like a drink, and they came into the Pier Hotel with me. I called for three drinks, and Field turned round to me and said, “We were down that way in the afternoon with a girl, but, since, the young girl has come forward to prove the statement that we were down there the same day with her.” On coming outside, Field left us and Gray turned round to me and said, “Yes, I shall be getting into trouble with him before long.” That was all that was said.

What it came to was that they were with another girl, who had come forward to clear them?—Yes, that she had made a statement that she was with them.

Cross-examined by Sir EDWARD MARSHALL HALL—Did you tell

Field and Gray.

William H. T. Grayling

some gentlemen from the police within the last few days that you were able to give some evidence about this matter?—That is the evidence.

There is nothing in the notice we have had of your evidence with regard to any statement made by Gray. Did you tell that to the gentlemen too?—Yes, at the time.

Did you tell them that Gray said, “I shall be getting into trouble with him before long?”—Yes, I made that statement to them at the time.

By Mr. JUSTICE AVORY—Who was it who made the statement, “We were down that way with a girl”?—Field.

And Gray afterwards said, “I shall be getting into trouble with him,” meaning Field?—Yes.

Mrs FLORA MUNRO, examined by Mr. GILL—I live at 3 Mansion Place, Queen's Gate, South Kensington. I am a housekeeper there. The deceased was my daughter. She lived with me. She was in employment as a typist and had been ever since she left school. She was just under eighteen years of age. She was receiving £2 7s 6d. a week. She used to carry a little handbag, a little silk bag with a silk handle and a little metal clasp. There was a compartment in it with a little looking-glass. She carried her purse and keys in the bag. I went to Scotland on 14th August to stay with some relatives. I knew that the deceased was going to Eastbourne. When I went off on the Saturday—I was going by sea—my daughter and Mrs. Winter, her aunt, saw me off. I saw the clothes that were down at Eastbourne, the green coat and the hat, and I was also shown the suitcase and other articles of clothing. When I left my daughter, she was in good health. I received a letter from her written on the Thursday in which she told me what she was doing and how much money she had left. In reply to that letter I sent one which arrived after her death enclosing some money. Amongst the things that were found were some little brooches worth practically nothing; she was not fond of jewellery. She had a ring which she had left at home. [Shown keys produced] Those are her keys.

Cross-examined by Sir EDWARD MARSHALL HALL—She came home to sleep, but she worked out?—Yes, in Regent Street.

Did you know of anybody whom she called uncle?—No, I did not know of anyone.

You and she were quite good friends?—Quite good friends.

Did she give you some small sum towards her board and lodging?—Yes, 13s., but I did not always take it from her. She had to buy her own clothes.

Evidence for Prosecution.

Mrs Flora Munro

Was she fond of dancing?—She went sometimes to the church dances, but she was never out late at all.

That you are quite certain of?—Yes, I am.

She never discussed her business affairs with you?—She used to talk about her work.

She never brought any of her business friends home?—No.

She spoke French very well, did she not?—I will not say very well.

And she could write French?—I think she could a little.

Have you seen the letters that were found in her possession?—No, I have not seen them.

The police have not shown them to you?—No

At any rate, she always behaved herself very well?—Yes.

Neat and tidy in her appearance?—Yes.

And I think we may take it she was a rather particular girl about her friends?—Yes.

Did you know that she knew anybody of the name of Louis?—Yes, I heard so

After the poor girl was dead?—Yes.

I daresay you learned a great many things from the papers?—No, I did not read the papers—scarcely any of them.

ARCHIBALD THOMAS DARRINGTON, examined by Mr. GILL—I was in Maidstone Prison in the beginning of September. I had been arrested on a charge of stealing a bicycle and I was remanded at Eastbourne on the 11th for a week. The 11th was a Friday, I believe, and I went to Maidstone on the Saturday. I was remanded to the 17th. I was then sentenced to six weeks' imprisonment, and I had one week remitted. I was discharged on 22nd October. While I was on remand, I was exercising with the other prisoners, and I was spoken to by one of the accused. He told me his name was Gray. [Witness identified the accused Gray in the dock.] We were exercising round the larger of the two squares at Maidstone when he spoke to me; we were going round the corner nearest the chapel at the time. I was in front of him. He attracted my attention by making a noise, and as I was going round the corner I looked back and saw across the corner the man behind me. He asked me where I had come from and I told him Eastbourne. He asked me what I was in for and I told him for stealing a bicycle. He asked me where I had stolen it from, and I told him the Public Library. He then asked me where I was on the day of the murder—on the 19th, I believe, he said. He asked me whether I was at the circus or not. I told him I was.

By Mr. JUSTICE AVORY—Which was it—“on the day of the murder” or “on the 19th”?—“On the 19th.”

On the 19th of what?—The 19th of August.

Field and Gray.

Archibald T. Darrington

Examination continued—When you said that, what did he say to you?—He then asked me whether I would say I was at the circus with him that afternoon—no time given.

Are you sure he said that afternoon?—Yes.

Before he spoke of where you were on the 19th, had anything been said about the Eastbourne murder; had he made any reference to it?—Yes, he asked me whether I had heard of the Eastbourne murder. I told him yes, I had read about it in the paper. He asked me whether I knew the sailor who was concerned in it. I told him that I did know his name. He asked me his name—I told him Tutland.

You thought it was Tutland?—I thought it was Tutland.

Did he say anything with regard to himself and the murder?—No, nothing at all then.

Or why it was he was talking to you?—No, he asked me how I knew his name was Tutland. I told him I knew by the landlady's daughter where I was in furnished rooms, and I told him that the daughter's sweetheart was on the same boat as Tutland.

Did Gray say anything as to why he was speaking to you about it—why he was interested in it?—No.

Had you heard Gray's name in connexion with the case?—Only by the papers.

When he spoke to you about saying you were with him, or he was with you, on that afternoon, what did you say to that?—I told him I was in trouble enough myself.

Did you say whether you would do it or not?—No, I did not say whether I would do it or not. I simply said that I was in trouble enough.

Walking round at exercise, would you have at times to pass where there was a warder?—Yes, each time round we would pass two warders.

What did you do when you were passing the warders?—It was a broken conversation at intervals.

How would that be with regard to the warders?—The warders could see us, but I doubt if they could hear.

When you were actually passing the warders, you did not speak?—No, we did not speak at all.

Even speaking in the way you did, was the attention of a warder attracted to you?—We were cautioned once for speaking.

You and Gray?—Yes.

With regard to the conversation about the circus, could you tell me on what day it was you had that conversation?—On the Sunday. I went into Maidstone on the Saturday, and it was the next morning, the Sunday morning, after chapel.

Was that while you were exercising after church time in the morning?—Yes.

Evidence for Prosecution.

Archibald T. Darrington

After that Sunday was there another occasion on which you spoke together?—Yes.

How soon afterwards?—As near as I can say, it was either the Tuesday or the Wednesday.

Tell us what he said to you?—He attracted my attention first of all as we were going from one courtyard to the other. He asked me—I believe these were his words—failing I was with him at the circus—if that was no use—would I say that I was walking along Seaside Road towards the Crumbles and in front of me there was a sailor and a girl, and on my return journey I saw the sailor come back on his own. A little while after that I believe Gray fell out, or else he was sent to another square.

Was there anything said with regard to a sailor, or the sailor?—Yes—failing that suggestion, would I say that I was blackberrying on the Crumbles and I saw a sailor and a girl struggling. That was all the conversation I had with Gray.

Did anything happen at that time or about that time?—I believe we were again cautioned.

By Mr. JUSTICE AVORY—You have not said whether you made any answer?—I did not have a chance to answer

Examination continued—You mean something happened to stop the conversation?—Yes.

Did you see what became of him?—Yes, he was sent into the smaller square.

Had you, during the time you were at Maidstone Prison, ever spoken to a prisoner named Smith?—No

Or had he ever spoken to you?—No.

Upon either of those occasions when Gray spoke to you, was anything said about the name of the Eastbourne murderer?—I do not recollect it if there was.

Was anything said by him as to what he was there for?—No.

How long would you be at exercise?—On that particular Sunday morning we were an hour.

Cross-examined by Sir EDWARD MARSHALL HALL—I want you to tell me on how many occasions you say you had separate conversations with Gray in the prison. You have told us of the conversation on the Sunday?—Yes, that was one.

Then you told us of another conversation on the Tuesday or the Wednesday. Does that mean the Tuesday or the Wednesday following the Sunday?—Yes.

Do you mean on the Tuesday or the Wednesday?—That I am not sure of. We were in the small square two days in succession.

Then you may have had three separate conversations?—Yes, there may have been three.

This was your first offence?—Yes.

Field and Gray.

Archibald T. Darrington

You were arrested on 9th September at Hastings on a charge of stealing a bicycle, brought before the Eastbourne Magistrates on Friday, 10th September, remanded to Maidstone on the 11th, and again brought before the Eastbourne Magistrates on 17th September?—Yes.

So that it was between 11th and 17th September that these conversations took place?—Yes.

On 17th September you were taken back to Eastbourne and sentenced by the Magistrates to two terms of three weeks to run consecutively?—Yes.

Did you plead guilty?—Yes.

Had you hoped that you would be let off as a first offender?—I had advice that I might be bound over.

May I take it that you were a little disappointed to find that you were not?—I cannot say that I was disappointed.

You were satisfied with the sentence, and you got out a week before the full term?—Yes

You never told anybody anything about these conversations during the week between 11th and 17th September?—No.

After you had been convicted and sentenced to six weeks, I think you were taken by the superintendent to a place where they took your finger prints?—That is right.

Whilst they were taking your finger prints, did Inspector Wells say to you, “Have you seen Gray at Maidstone”?—Yes.

Have you any idea how he came to ask that question?—No, none whatever.

Had you told anybody that you had in fact had conversations with Gray?—No.

You knew, of course, that conversation between prisoners was forbidden?—Yes.

You had been in Eastbourne when the murder took place?—Yes.

And, of course, like anybody else in Eastbourne, the murder excited a great deal of your attention?—Yes.

You knew that two men named Field and Gray had been detained on suspicion?—Yes, I had read that in the paper.

When Inspector Wells said to you, “Did you see Gray at Maidstone?” did you think he was referring to the Gray who had been detained in reference to the Crumbles crime?—Yes, I did think so.

Did he ask you if you had any conversation with him, or did you volunteer it and say that you had had conversation with him?—I think it was what I said that brought the conversation about—what I told him.

When he asked you if you had seen Gray at Maidstone and

Evidence for Prosecution.

Archibald T. Darrington

you said yes, then you began to tell him of the conversation you had had with Gray?—That is right.

Did you think that perhaps some of the warders had given information that you had been seen talking to Gray?—As a matter of fact, my idea was this, I was in trouble as it was, and I thought that perhaps Gray had spoken because I knew from what he told me that he was coming down to Eastbourne before myself.

So you thought that Gray may have said something about a conversation with you before you had an opportunity of saying what the conversation was first? Have I put that quite fairly?—Yes, that is right.

Do you know enough of prison regulations to know that talking between two prisoners is what is called a prison offence?—I have read it in the regulations.

And, of course, people who are found guilty of a prison offence do not receive the same consideration with regard to remission of sentence?—Yes, there is a notice in the cell to that effect.

You, not being a convicted prisoner, would not come under that régime?—Yes, I would. There were two warders to thirty-four men, and I knew they could not hear what we spoke about, and I took advantage of it like any other man might.

Are you quite sure that you did not know this man's name was Gray who was walking behind you?—Certain.

You did know there was another prisoner in the gaol named Smith?—No, I did not.

I put it to you that not only did you know there was another convict in the prison named Smith but you knew him as Smith?—I had seen the man. When I was at Hailsham I was asked whether I knew a convict named Smith, and whether I had spoken to him, and I said I knew him by sight but not to speak to.

That is what you said at the Police Court: "I knew a convict named Smith by sight, but not to speak to" That may have been interpreted wrongly?—It was.

When you were at Hailsham you saw Smith there—he gave evidence there—and then you knew his name was Smith, and you did know afterwards that the man named Smith was a fellow-convict of yours at Maidstone?—Yes, I recognized him then.

Being convicted for a first offence, you were put in the Second Division, I suppose?—I was treated differently.

You knew, of course, all the details that the papers had been able to give of this terrible Crumbles murder, did you not?—I had read it.

About the time, 9th September, when you were so unlucky as to take this bicycle, the thing was at the height of its excitement, was it not?—I believe it was.

So that when you came into Maidstone, are you quite sure that

Field and Gray.

Archibald T. Darrington

you did not know that the two men who were charged with the Crumbles crime were in fact in Maidstone too? Did you know that? —No, I did not know what prison they were in. I came from London myself, and I did not understand it at all.

As a matter of fact, Putland who has been a witness here, and whose name has been much mentioned in the papers, was a friend of the landlady's daughter where you were staying? —Yes

And you were a friend of her sweetheart's? —No, Putland was a friend of her sweetheart.

This is what you said in your evidence at the Police Court: "I told him"—that is Gray—"Putland was a friend of the landlady's daughter where I was staying, and I was her sweetheart's friend." It should be, "and that Putland was her sweetheart's friend"? —Yes

So that you were in possession of some intimate and private details with regard to one of the important witnesses in the case? —That is as far as anything was spoken by me about that.

Was not the first thing that took place between you this: did you not say to Gray, "What are you up for"? —No, I was addressed first

Are you quite sure of that? —Yes, quite sure.

Before the Magistrates you said this: "He asked me if I was in Eastbourne on the date of the murder." Is that right? —Yes.

"I also said I was on remand for stealing a bicycle." Did you say that? —I did not say I was on remand. I suppose he understood I was on remand. I did not tell him.

He gathered that from something you said? —Yes.

Then you said, "He asked me if I was in Eastbourne on the date of the murder." Did you tell him you were at the circus the same afternoon? —Yes.

Then he did not ask you. You told him you were at the circus? —I did say I was at the circus.

He only asked you if you were at Eastbourne on the day of the murder? —Yes, and he also asked me about the circus.

That is not what you said before. This is what you said at the Police Court. "He asked me if I was in Eastbourne on the date of the murder. I told him I was at the circus the same afternoon"? —I told him I was at Eastbourne, and he asked me afterwards whether I was at the circus on the afternoon of the 19th.

Was it not you who told him you were at the circus on the afternoon of the murder? —No, he asked me whether I was at the circus.

You go on, "He then asked me if I would say I was at the circus with him either on 18th or 19th August, 1920. I can't remember. I told him I was in trouble myself. That was all he said that day." Did you not say just now that he asked you to

Evidence for Prosecution.

Archibald T. Darrington

say that you were at the circus with him on 19th August?—Yes, that is right

That you swear?—Yes.

Then he asked you to say that you were with him on the 19th?—Yes.

You remember it distinctly now?—I remember what he asked me.

You remember that he used the words “on 19th August”?—Yes, on the 19th

You said before the Magistrates that he asked you if you would say that he was at the circus with you either on 18th or 19th August—that you could not remember?—There were several things put to me before the Magistrates, and I shall have to answer with regard to those later on, I expect

One of the things you told the Magistrates in your examination-in-chief at Hailsham was that Gray spoke to you about the murder and told you that he knew nothing whatever about it?—Yes, he did say that.

You have not mentioned it in your evidence here to-day?—This is my first appearance in the witness-box, and I did not know what I ought to say.

Are you quite sure that these conversations about Putland took place on Sunday, 12th September?—Yes.

Was that the same day that he asked you to say, according to you, that you had seen a sailor and a girl struggling on the Crumbles while you were blackberrying?—No, that took place either on the Tuesday or the Wednesday

Do you think there were two or three conversations?—There may have been three. I know I have spoken to him more than once.

But what day was it you told him you knew something about the young lady who was the sweetheart of a man who was a friend of Putland's?—On the Sunday.

After that he asked you to say you had seen a sailor struggling with a girl on the Crumbles when you were blackberrying, or something of that kind?—Yes, that was on the Tuesday or the Wednesday.

How fast did you walk round when you were out at exercise?—Men fall out—of course they have to ask the warder's permission to fall out—and that holds the other men up, and they have to mark time, so to speak, until the gaps are filled up, so that it is not a regular walk round.

How long did these conversations take on each occasion?—I was spoken to almost immediately after we started.

And you were out for an hour?—Yes.

Were you talking all the time?—As often as we got the chance.

Field and Gray.

Archibald T. Darrington

That was when you got to the point farthest away from each warder?—Yes.

Then you were talking, he behind you on each occasion?—Yes, and once he asked the warder's permission to fall out. After performing the reason, he came back, waited the warder's permission to fall in, and he stopped and did up his shoe lace and waited for me to come round, and then he fell in behind me again.

You were taking a great interest in this matter?—I was, as much as the average person outside.

When was it you first realized that the man with whom you were talking was the man who was accused in respect of the Eastbourne murder?—I know I thought a good deal about it

Did you suspect it on the Sunday?—No

Did you suspect it on the Monday, or the Tuesday or Wednesday, when, as you say, you had the other conversations with him?—That I cannot say.

Did you ever suspect that he was the man who was accused in respect of the Eastbourne murder until you saw Inspector Wells?—I thought it a funny thing that he should ask me about the murder at all, and about the sailor, and then he told me that his name was Gray and I connected the one with the other

When did he tell you his name was Gray?—On the Sunday morning.

So that on the Sunday morning when he told you his name was Gray, and you knew that a man named Gray was detained for the Eastbourne murder, you did not jump at once to the conclusion that he was the Gray?—No, I did not

HERBERT HILLYER, examined by Mr. GILL—I am a warder at Maidstone Prison. I was on duty there on Sunday, 12th September, in charge of the 1-40 p.m. exercising parade. The prisoners Gray and Darrington, the last witness, were amongst the prisoners exercising. They walked round in single file with a break between each. There were thirty-four men at exercise and two warders in charge of them. Gray was immediately behind Darrington that morning. My attention was attracted to them; I suspected that they were talking together, and when they came round I warned them. The exercise lasts for half-an-hour, and it was when the exercise had been on for about twenty minutes that I suspected them of talking. During the last ten minutes I was able to keep them under special observation. If a man fell out to go to the lavatory or anything like that, he would come back and rejoin the others.

Cross-examined by Sir EDWARD MARSHALL HALL—Those under remand, of course, exercise in a separate yard?—The remands and trials are exercised together; they are the unconvicted.

Evidence for Prosecution.

Herbert Hillyer

Is this a flagged yard or a flagged walk?—No, it is more or less a gravel path.

Do these men wear regulation boots?—No, some are in their own clothing and some are in prison clothing.

These men would be about 6 ft. apart?—Yes, they should be; that is the prison regulation.

Thirty-four men walking round at a step which is practically a quick march would make a pretty audible sound?—Certainly

And the conversation would have to be pretty loud to be heard by the man behind while this noise was going on?—If he kept his regulation space, but on this occasion he did not keep his regulation space.

How long did you notice that?—For a matter of 25 to 30 paces.

During the 25 to 30 paces he might have been able to say something?—Yes.

But he could not keep up a long conversation?—No.

Which is the one thing you are there to watch?—Exactly.

The 6-ft. limit is to prevent conversation?—Exactly.

Therefore the moment you see one man shortening down his 6 ft. you are on him directly?—We know there is something on.

And within a second or two you know whether the man has shortened his 6 ft.?—Yes.

What do you do, do you stop the squad?—We wait until he comes round to the point where we are and make him keep his distance.

As a matter of fact, you do not think that any lengthy conversation ever went on between those men?—No, not lengthy.

Unfortunately things do occasionally take place even in prison which ought not to take place?—They do.

JAMES ROBERT DUKES, examined by Mr. GILL—I am a warder at Maidstone Prison. I was on duty there on September last when Darrington was a prisoner on remand at the same time as Gray was there. I took charge of the prisoners sometimes when they were at exercise during that week. Men on remand and men who have been committed for trial take exercise together. There would be thirty or more men in an exercise squad. During that week my attention was attracted to the prisoner Gray. On one occasion I saw the prisoner Gray as he was coming out with the other prisoners to exercise on the ring hang back as if he wished to speak to the prisoner behind him. In consequence of what I saw I cautioned him and removed him to another ring.

Cross-examined by Sir EDWARD MARSHALL HALL—Do you know who the prisoner was with whom Gray attempted to have conversation?—No.

Field and Gray.

James R. Dukes

Which day was it?—I could not fix it; I took the exercise squads so often I could not say.

You said before that it was about 15th or 16th September?—It was about the middle of the week.

It only happened once?—That is all.

And there was no opportunity for a long conversation?—No.

It was all over in a few seconds, I suppose?—Yes, a few seconds.

You saw a slight delay by Gray hanging back?—Yes.

About 20 yards would be what they had walked, I suppose?—Yes, I should think it would be about that.

Re-examined by Mr. GILL—As soon as you see anything irregular you stop it?—Yes

WILLIAM SMITH, examined by Mr. GILL—In September of this year I was serving a sentence of six months in Maidstone Prison; I had been convicted on 29th June for stealing a bicycle and I was discharged on 29th November. I had been convicted four or five times before. My other sentences were almost the same as I got on that occasion. I did not have any communication of any kind with the witness Darlington, who was in the prison while I was there. During the time I was in prison I did not have any opportunity of access to newspapers of any kind. I did not receive any letters. In September last I was sometimes employed at work outside my cell; I was cleaning the landings. I also cleaned the office and lit the gases at night. That work took me out of my cell and I had the opportunity of working in the passage. I remember the two prisoners, Field and Gray, coming in. I did not know before I spoke to them what they were there for. There are cards placed up outside the cell. I did not look at any card. In order to look at a card you would have to take it down and look at the back of it. I cleaned the passage where the cells were which Field and Gray occupied. Gray's cell was No. 7. It was a cell with an iron grating instead of a door so that anybody in the cell could see out and see anybody in the passage. The warden sits down in the centre of the passage. There is a staircase which runs between Gray's cell and the centre. The morning after Gray's arrival I was cleaning the landing, and when I was outside Gray's cell he spoke to me. I could not give the date.

He told me, "I am in for murder," and I said, "You are unlucky." He said, "But they cannot prove it. Though I was with the girl almost to the hour she died, that does not mean to say that I done it." While working in the passage in that way near a cell, it is apt to attract attention if you remain too long, but you could stand there sweeping away and no one would take any notice. I cannot say when it was that he next spoke to me,

Evidence for Prosecution.

William Smith

but it might have been the next day or the day after. He spoke to me on several occasions.

This went on up to 25th September. On that date it was noticed and stopped. The next time he spoke to me he said, "There's a fellow up on the C2 floor that knows me and the girl and I am going to get him to say that he saw a sailor with her." I said, "That won't do you much good." Field's cell was No. 3. It did not have a grating; it had an iron gate. It was on the same landing. When I was working there and Gray wanted to attract my attention, he just called me over. The next time he spoke to me he told me to go to his mate and tell his mate to say in his statement that they did not know the girl and they had never seen her and that they were at the pictures, and he went on again to say to me, "The worst of it is my wife says I am guilty." I said, "What makes her say that?" He said, "I do not know." He then said to me again, "What ought I to say—guilty or not guilty?"

By Mr. JUSTICE AVORY—Is this on another occasion?—Yes. I said, "You know that best yourself. The jury will tell you whether you are guilty or not."

Examination continued—What did he say to that?—He said, "What the hell do they know about it?"

By Mr. JUSTICE AVORY—Did you answer that?—No.

Examination continued—On any occasion did you ask him any questions yourself?—Yes, I asked him if he could not prove where he was at the time it happened. He said "No." I said, "Was you not at work?" He said, "No." I said, "Cannot your wife prove where you was?" He said, "I do not know."

On any occasion did you ask him any question about the murder?—Yes. I asked him how the murder was done. He said, "By dropping a stone on her." I said, "How do you know that?" He said, "I have seen the stone." I said, "Was it very big?" He said, "It was a tidy sized one."

Except what you heard from Gray, had you any information of any sort or kind with regard to the matter?—Nothing whatever.

Did he say anything as to any other message to his mate?—Yes, he told me to go and ask his mate to put in his letter to ask Minnie to ask Winnie what the circus man told her.

Except from him, had you any knowledge of Minnie or Winnie?—No.

Was there any other message or messages that he asked you to take to his mate?—No.

By Mr. JUSTICE AVORY—The last message you spoke of was that he was to ask his mate to say they were at the pictures?—Yes.

Field and Gray.

William Smith

Examination continued—Did he ever mention any other place or say anything about his mate's statement?—No.

Did you ever take any of these messages?—No.

When he spoke to his mate, do you know who was meant?—Yes, he meant Field.

Why do you say that?—He told me Field.

You say they both came to the prison at the same time?—Yes.

Had you spoken to Field yourself?—Slightly.

When he came in?—Yes—not to have any conversation.

Both of them were there on remand?—Yes.

By Mr. JUSTICE AVORY—There is one thing that ought to be cleared up. You said, “Gray told me ‘There's a fellow up on No. 2 floor that knows me.’” Did he ever tell you who that fellow up on No. 2 floor was?—No.

Examination continued—You have told us about the pictures and the question about the circus. Are those all you can remember of the messages to the mate?—Yes.

When you had spoken to Field when they first came in, what did you speak to him about?—It was nothing concerning the charge.

Did you tell Field at any time that Gray was speaking to you?—No

You need not tell me what it was, but on 25th September did a warder see you or suspect that you were speaking to Gray?—Yes.

That ended any communication between you?—Yes.

Did you make a statement to him, and subsequently did you make a statement to the Governor?—Yes.

After that, you were seen by the police about the matter?—Yes.

Cross-examined by Sir EDWARD MARSHALL HALL—You told my learned friend that you had been convicted a good many times, so that you know something about the prison rules?—Yes.

You know that one of the rules is that you forfeit your claim to remission if you are guilty of any prison offence?—That is quite right.

Do you know that one of the prison offences stated on the printed forms which are put up in every cell is conversation with prisoners?—That is quite right.

So that you knew by talking to these men you were imperilling your remission of sentence?—Yes.

I take it that the reason of your having been put on to do this sort of work, the cleaning of passages and the lighting of gas, and so on, was because you had earned the attention of the authorities?—I do not think it was.

Evidence for Prosecution.

William Smith

Had you ever had that privilege before?—I do not quite understand what you mean by privilege.

Is it not a privilege to do the cleaning of the landings and the lighting up instead of doing the sacking or whatever it is the prisoners do?—I do not think so.

I think before the Magistrates you said, “I cannot be sure I gave the conversations in their order. I never took any particular notice of them until Saturday night when I was called ‘over the stones’ for talking, that being 25th September, 1920”? —That is quite right.

You go on to say, “I was then called over to the office and could remember the nine previous conversations” With that one that is ten conversations in all?—Yes.

You have a very clear recollection of having ten distinct conversations with this man?—Yes.

All very quiet and low, I see you say?—Yes.

He would have to come very near to the bars to hear, would he not?—Yes.

Would not the mere fact of his coming very near to the bars attract your attention?—Yes.

You say that the first conversation took place the day after they came in. You are quite sure of that?—I am quite sure of that.

You will not put it on any other day at all?—No.

And that the second conversation took place either the next day or the day after?—Yes.

There is no mistake about that?—No, that is quite right.

It was at the second conversation that he said, “There’s a man up on the C2 floor that knows me and the girl, and I am going to get him to say that he saw a sailor with her”? —That is quite right.

Do you know what day Gray and Field went to Maidstone?—I could not tell you the date, and I could not say the day.

It was Thursday, 9th September. Therefore the first conversation would take place on the 10th, and the second either on the 11th or the 12th?—I never said that.

I know you have not said so, but you have said something which I suggest is equivalent to it—that the second conversation, which is the conversation I am going to tackle you upon, took place within two or three days after Gray came into the prison?—Yes.

If I prove that Gray came into the prison on 9th September, then the second conversation must have taken place either on the 11th or the 12th?—As I said at first I could not tell you the exact day, or whether it was the first day or the second.

I put that out of your power to say because I asked you before you saw the point I was going to make on what day after their arrival the first conversation took place, and how many days after their arrival the second conversation took place, and you told me,

Field and Gray.

William Smith

and I asked you whether you had any doubt about it, and you said you had not?—I told you I had a doubt about the beginning of it.

You said there was no doubt about the second conversation having taken place within three days of Gray's arrival at the prison?—It may have been within three days or it may have been less

You have been out of prison a month?—No, I have not; I have been out three weeks.

You had full remission?—Yes

Although you yourself pleaded guilty to having had ten conversations with one of the prisoners?—Yes

Will you give me the time of the day when this first conversation took place?—Between 10-30 and 11 in the morning.

What time did the second conversation take place?—I cannot say for sure.

Tell me to the best of your belief?—It may have been in the morning or it may have been in the afternoon; I cannot speak for sure.

Or it may not have been at all; can you not be more definite?—I cannot; I did not take notes.

You know the first took place in the morning?—Yes

You cannot say whether the second took place in the morning or the afternoon?—No.

When did the third take place?—That I will not say.

But you remember, or you profess to remember, the whole of these conversations in detail extending over ten separate conversations?—I do remember them, but I never thought anything was coming of them, and therefore I took no more notice when they were spoken to me as regards the day or what hour it was in the day. I know the last conversation took place between the hour of 6-30 and 7 at night.

Do you know, or do you not know now, that Darrington was the man who was confined on C2 floor? Have you heard that since this case began?—I have heard it since.

If Darrington was the man he was referring to when, according to your statement, Gray said to you that he had a friend on C2 floor who was going to say that he saw a sailor with the girl, Darrington at that time knew nothing about the matter?—I did not say Darrington; I did not know Darrington

You said you had not heard of the murder. Do you tell me that it had never percolated through Maidstone Prison that there had been a murder at Eastbourne?—It had not until Gray told me.

I have listened rather attentively, and I do not think I have heard the word "Eastbourne" mentioned at all by you?—By me?

Yes, in the whole of the evidence you have given. I do not say

Evidence for Prosecution.

William Smith

I am right, because it is sometimes a little difficult to concentrate one's attention, but I do not think in one of the statements Gray is supposed to have made to you that the word "Eastbourne" was ever mentioned?—He only mentioned Eastbourne once to me.

When was that?—When he talked about the sailor and the girl.

You have given evidence twice as to these conversations. I will read you what you said at the Police Court. "The next day after Gray's arrival," and so on, and you describe the conversation, and not a word about Eastbourne, and then you go on, "On another occasion a day or two after the accused, Gray, called me and said, 'There's a man up on the C2 floor that knows me and the girl, and I'm going to get him to say that he saw a sailor with her'" There is not a word about Eastbourne there either?—No, not there.

Why have you not told us before that he mentioned the word "Eastbourne," if he did do so?—Because it was not necessary

Perhaps you will leave us to judge of what is necessary and what is not necessary. We want the truth?—I am speaking the truth.

On what occasion was it that he mentioned Eastbourne?—I asked him where he knew this sailor and the girl, and he said at Eastbourne.

That is something quite specific. My learned friend asked you if there was anything more said at that conversation, and you said that was all. Why did you not tell us before that he had mentioned the word "Eastbourne" to you?—Because I never thought it was necessary. I am giving the same evidence here as I gave in the Police Court at Hailsham.

You will leave us to judge of that. You say now that you did not tell us that this man had told you it was at Eastbourne, because you did not think it was necessary to say so?—Yes.

You say you carried on ten separate conversations with this man without being detected?—Yes.

On the 25th you were detected?—Yes.

You were, as you describe it, "called over the stones" for it by the warder?—Yes.

Did you know that in addition to forfeiting your remission you were liable to punishment?—I did.

Considerable punishment?—Yes.

After the warder had called you "over the stones" as you say, did you volunteer to give the authorities this information?—I did not.

Did they get it out of you by question and answer?—Yes.

Did you tell them that on ten separate occasions you had a conversation with Gray?—I did.

Did you make any bargain with them that it was not to be used against you if you confessed it?—I did not.

Field and Gray.

William Smith

So that for all you knew, you might have had an extra term of imprisonment?—I might have done.

But it never was suggested that you should?—No.

You said you attached no importance to these conversations until you were “called over the stones”?—None whatever.

They had all passed out of your mind, but you remembered all about them in detail when you were questioned about them?—Yes, I remembered them in detail.

You have been rather fortunate in your convictions, have you not? I suggest to you that you have been a person who has been rather favoured by the police?—I do not think I have. I think I have been rather unfortunate in the hands of the police.

Your first conviction was a long while ago?—Yes.

That conviction was for embezzling?—Yes

You were a boy then, and you were bound over?—Yes.

You were convicted again about eighteen months afterwards, and were again bound over?—Yes

That was for stealing a bicycle?—Yes.

Although you had in fact been bound over before, you then went and stole a bicycle and you were convicted and again bound over?—Yes.

In January last you stole a bicycle, did you not?—Yes.

And you were convicted?—Yes.

And you only got four months for that?—Yes, that is all.

Did you get your remission off that sentence?—Yes

You were convicted again in June last for stealing another bicycle?—Yes.

You got six months for that, and you got your remission on that, did you not?—Yes.

Although you had been guilty of ten specific prison offences?—Yes.

You not only did not get punished for it, but you got your remission?—Yes.

What were the other two convictions that you have told us about?—You have just read them out.

Were there only four altogether?—If you have got any more, I will not deny them.

I suppose you would never have said a word about these conversations at all if you had not been caught having them, would you?—No, I should never have said a word about them, because I think it has done me the greatest harm the country has ever done me.

The country has never done you any harm. It is you, if I may say so, who have done the country harm?—Take it that way if you like.



Sir E. Marshall Hall, K.C.

Evidence for Prosecution.

William Smith

conversations which you purport to have had, first of all you had to do some sweeping outside the cell doors, had you not?—That is right.

A warder would not be far away from you?—No.

Fifteen feet?—Sixteen yards.

You think it was as far away as that?—Yes.

With the possibility that he might at any moment turn his eyes upon you?—Yes

Within hearing distance of any noise that you might naturally make in the course of your work?—Yes

So that any silence which occurred, indicating a ceasing of your work, would be noticeable by the warder?—Well, it would.

Did you carry on making the noise of your work while the conversation was going on?—You do not make much noise sweeping or washing.

Not with a pail?—No

Do you not rather make an effort to indicate to the warder that you are still carrying on your work by rattling the pail?—No.

You have never done that?—No

You agree that these conversations had necessarily to be carried on in very soft and low language?—Yes

A whisper?—No, a little more than a whisper.

How much more than a whisper?—Just soft talking.

You had to listen to it and pay attention to it at the time when you were supposed to be working?—Yes

Are we right in supposing that if those nine separate conversations took place you were never discovered?—I never was

Until the tenth took place almost under the very nose of the warder?—Yes

Then and then only?—Yes.

Did you say to the warder that you had had a lot of very serious conversations?—I did.

Did you ever carry any of these messages to Field?—No.

You did try to get into conversation with Field upon one occasion, did you not?—Yes, I had a conversation.

You asked him for some cigarettes?—I did.

Did he tell you to go to hell and get away from his cell door?—He never did

Where do you come from?—I came from London just lately.

What part of the world do you come from as a rule?—I was born in Brixton.

Do you live at Sutton?—No.

Where were you living when you had your adventures?—My what, sir?

Field and Gray.

William Smith

Where were you living at the time of your conviction which took you to Maidstone Gaol?—I was at Maidstone.

Re-examined by Mr. GILL—You were twice bound over, I think?—Yes.

Then you were sentenced to four months for stealing a bicycle?—Yes.

Then you were convicted again of stealing a bicycle, and sentenced to six months?—Yes.

Were you at all anxious to give evidence in this case?—I was not anxious

By Mr. JUSTICE AVORY—At the time you made your statement in gaol to the governor after the warder had spoken to you, were any terms of any kind held out to you by the governor if you disclosed these conversations?—None whatever.

GEORGE THOMAS MATTHEWS, examined by Mr. GILL—I am a warder at Maidstone Gaol. When the accused Gray was there on remand he was occupying cell No 7 on the ground floor. Field was in cell No. 3. They were both cells having gates. The cells are lighted by gas jets immediately outside the gates. I am sometimes on duty on one or other of those landings. When we are on duty on these landings we move about from place to place; we do not sit down all the time. The prisoner Smith was a man who was employed to do work such as the cleaning and the sweeping of the passages, and in doing that work it would bring him past the cells occupied by Gray and Field. He would also be there for the purpose of lighting the gas.

Would cleaners have the opportunity of speaking to prisoners in the cells where there are gates?—That is if the officer was not watching them.

I suppose such a thing might sometimes happen?—Oh yes.

When you were there did you see Smith near Gray's cell?—Yes, on several occasions

He could be there either for the purpose of sweeping or washing the floor, or lighting the gas?—That is right.

On the evening of 25th September, which I think was a Saturday, did you bring Smith out of his cell for the purpose of lighting up the passages?—I did.

For that purpose would he have a stool and go from cell to cell?—That is quite right.

Was your attention attracted to his remaining outside Gray's cell for what you thought was a little too long?—More or less. My attention was called through hearing talking, but I could not see what it was.

Evidence for Prosecution.

George T. Matthews

Where did you think it came from?—From the cell where he was lighting the gas. That was Gray's cell.

Did you go towards the cell?—I did.

Did Smith get off the stool?—He did.

Did he come towards you?—I called him to me.

Then you spoke to him?—Yes.

Subsequently, he went before the governor, I think?—That is right.

And the matter was inquired into?—Not voluntarily. I might tell you I had to make a statement myself before he would come. He said he was not going to put anybody away.

In the case of a convicted prisoner, had he any possible means of getting in touch with newspapers?—No, at that time he had not—not from that landing.

Do you know whether he received any letters?—No, Smith had no letters.

Is there a desk on that landing where you sometimes work?—Yes.

Between your desk and cell No. 7 are there some iron stairs?—Yes, an iron staircase

Would that to some extent obscure cell No. 7?—That is right

Cross-examined by Sir EDWARD MARSHALL HALL—[Shown Exhibit No 11] Is this a sample of the card that is put over a prisoner's cell whether he is convicted or unconvicted?—No, only unconvicted

That would include his name and the offence with which he is charged?—That is right. The name and offence are inside; there is only just the registered number there.

That can only be seen by taking it down and looking at it?—That is right.

Re-examined by Mr. GILL—Anybody who wanted information would only have to take the card down and see what was on the back of it?—That is right.

WILLIAM WELLS, examined by Mr. GILL—I am chief detective inspector of the Eastbourne County Borough Police. In August last I was acting with Mr. Willard and also with Chief Inspector Mercer. On Tuesday, 24th August, I was on the Front at Eastbourne when the witness Frederick Wells was there. He was walking a little distance in front of me. I had given him certain instructions. After some time he turned back and came to where I was and pointed out two men to me. The two men he pointed out were the accused Field and Gray.

Did he make a communication to you with regard to them?—Yes, particularly Field.

Field and Gray.

William Wells

Were they talking to some girls, and did you wait until they left them?—They walked down the Parade towards the Eastern Bandstand with three girls, and left the girls at the top of Cambridge Road.

Then did you go up to them?—They walked down Cambridge Road and Latimer Road I there stopped Field and said to him, “ You know me.” He replied, “ Yes.” I asked Gray who he was. He told me his name was Gray. I then asked them to accompany me to Latimer Road Police Station, which is about 50 yards from where I stopped them. Neither of the men spoke on the way to the station. At the Latimer Road Police Station I took them into the inspector’s office I said to the men, “ You know me? ” and Field said “ Yes,” and Gray nodded his head I said, “ I expect you wonder why I have brought you here.” Field replied, “ We have been expecting this, as we both have been wearing grey suits.”

Did Field say that in the presence of Gray?—Yes.

So that Gray could hear it?—Yes; they sat side by side in the chairs.

Did Gray make any observation?—No.

When Field said that, what did you say to them?—I then told both the prisoners that I refused to ask them any more questions, but I would get into communication with Chief Inspector Mercer.

Then did you arrange that they should go to the Central Police Station?—I subsequently took them to the Central Police Station at the Town Hall

At that time when you stopped them and had this conversation with them, how were they dressed?—Field was wearing a straw hat, a dark jacket, and a pair of dark grey flannel trousers. Gray was wearing a dark suit and a cap, which he has in his possession now.

By Mr. JUSTICE AVORY—A dark cap, do you mean?—It would be a darkish cap.

Examination continued—The taking of their statements was carried out entirely by Inspector Mercer?—Yes.

Did you the following day go to Gray’s house in Longstone Road, and did you see a suit of grey clothes there?—I saw a suit of grey clothes there.

Of that grey suit have you got the trousers here?—Yes. [Witness identified Exhibit No 13 as the trousers referred to.]

I understand he has got the coat and waistcoat on him now. [The accused Gray was asked to stand up] Is that what you call a grey herring-bone pattern?—Yes.

[At this stage Exhibit No 13 was shown to the jury.]

Evidence for Prosecution.

William Wells

Did you go to Field's house and did you there see in Field's house a grey jacket?—I saw a grey jacket at Field's house

Is that the one he is wearing now or not [The accused Field was asked to stand up]?—Yes, that is the one

Did you also at Field's house see a stick which you took possession of, and which is produced here?—Yes [referring to Exhibit No. 16, the one with the dog's head on it].

It was 25th August when you went to Field's house and took possession of that stick?—Yes

Were you already in possession of a statement by Wells, and was it in consequence of Wells's statement that you took possession of the stick?—Yes

Cross-examined by Mr. CASSELS—Was it on Friday night, 20th August, you first heard of the discovery upon the Crumblies of the dead body of Irene Munro?—Yes, about eleven o'clock

Of course, you did not know then that her name was Irene Munro; you did not know that until the next day?—Not until mid-day on the Saturday.

Was it very soon after the police got on to the case that there was rather a hue-and-cry after two men in grey suits—was it on the Sunday?—Yes, the Sunday or the Monday; I will not be positive

Now, about your visit to Field's house, is it a house with a front door at which you knock in order to be attended to by anybody who is in there?—Yes, you go up about five steps from the main road. The door opens on to the street and you can see through the inner door quite plainly.

Was the door open when you arrived?—Yes, both the inner door and the outer door.

When you got on to the steps, were you able to see the hallstand?—Yes.

And there, sure enough, standing in the hallstand was the stick?—I saw the stick before I went in

You saw the stick before anybody had spoken to you in the house?—Yes, I did.

Should I be right in saying that it was the only stick in the stand?—No. There were several others, and some umbrellas.

In a house of that kind there would not be a collection of sticks?—I did not count them.

At any rate, there in the hallstand was this stick, and it was handed over to you, I think by Field's grandmother?—Mrs. Wadham.

And you collected from Field's house, and also from Gray's house, whatever clothes you required?—I did not; another officer did.

Field and Gray.

TREVETT READ

TREVETT READ, examined by Mr. GILL—I am a detective sergeant of New Scotland Yard The iron-stone brick weighs 33 lbs.

CHARLES ALLEN, examined by Mr. GILL—I am a detective sergeant of the Metropolitan Police, New Scotland Yard, and I have been assisting in this matter. I took possession at Gray's house of the trousers which have already been produced. I also took possession of two trilby hats belonging to Gray [Exhibits Nos. 19 and 20]. I also produce the blue suit that Gray was wearing when he was detained on the 24th. I would describe it as a dark faded blue serge with a stripe of the same colouring but a different grain. That is the suit which the prosecution say he was wearing on the night of the 19th and also on 24th August. I also produce Exhibit No. 22, a coat and waistcoat which I found at Field's house I would describe that as a dark grey double-breasted coat jacket and a light waistcoat corresponding with the coat he is now wearing. I got that at Field's address at 23 Susans Road I also produce a khaki drill cap, Exhibit No. 10, which I found at 23 Susans Road. At Field's house I also found a straw hat, Exhibit No. 23.

Cross-examined by Sir EDWARD MARSHALL HALL—You could not by any stretch of imagination call that cap a dark cap?—No.

If anybody says that coat is blue he is to be excused, because it is grey, and if he called it grey, it is grey enough to call it grey?—That coat is described as a blue coat, and if you look closely into it you will see it is going brown.

Should I be excused from error if I said it was either blue-grey or brown?—There are so many tints of these colours

If you saw that now by this light, what would you say it was?—I should be inclined to say it was dark grey.

Look at the waistcoat [shown waistcoat] That is what you would call grey?—Light grey.

Cross-examined by Mr. CASSELS—Is this the double-breasted coat referred to in this case—the dark grey double-breasted coat which Field was supposed to be wearing when he was arrested on 24th August?—Yes

And wearing the round straw hat as well?—Yes, that is right, he was.

JOHN TAYLOR, examined by Mr. GILL—I am a police constable in the Eastbourne County Borough Police. I attended the inquest held on the body of Irene Munro and took a shorthand note of Miss Ducker's evidence with regard to the accused Grey wearing a grey suit and trilby hat on the morning of 19th August and coming

Evidence for Prosecution.

John Taylor

into the Albemarle so dressed, and coming again into the Albemarle the same evening wearing a dark suit and a dark cap.

While she was giving that evidence, did Gray interpose and say something?—Yes. “Can’t a man change his clothes without asking permission of anybody? I have already said that I did change my clothes”

GEORGE MERCER, examined by Mr. GILL—I am chief inspector of New Scotland Yard. On 21st August I went down to Eastbourne for the purpose of assisting the local police in this inquiry. Almost immediately I had information as to when it was Miss Munro had left 393 Seaside and on the same day I had statements from some of the men who were at the railway-carriage. On the Monday I took a statement from Frederick Wells. Being in possession of that material, Field and Gray were on my instructions brought to the Central Police Station on Tuesday, 24th August. When they were brought to the Central Station, I spoke to them both. I spoke to Field first. I took from them the statements, Exhibits Nos. 17 and 18.

Before they made those statements, did you make a statement to them?—I told Field to take plenty of time and think carefully, and I cautioned him as in the head of the statement, Exhibit No. 17. It reads: “You have been asked to come here because it is said that you were crossing the line on the Crumbles near the two huts with another man and a woman at about 3 p.m. on Thursday, the 19th of August.” I then took his name. “Jack Alfred Field, age 19, no occupation, recently discharged from the Navy, of 23 Susans Road, Eastbourne.” The statement then goes on to say, “Mr. Mercer said: ‘You are not compelled to say anything unless you like, but any explanation you like to give as to where you were on that date shall be taken down.’” That was what I said to him. After I had taken the statement, I gave Field an opportunity of reading it over. I asked him if he would prefer to read it himself or whether he would rather that it should be read over to him. He said he would read it, and he read it, and I asked him if it was correct, and he wrote those words himself and signed, “I have read this statement, which is correct. Jack Alfred Field.”

THE CLERK OF ASSIZE—Jack Alfred Field says—

I was sitting along the sea front on Thursday, the 19th, from about 10-30 a.m. till about 1 p.m. with the man who came here with me to-day. I went home to the above address at one for dinner. I left home about 2 p.m. I went round to my chum’s house and from there I went straight along Seaside. I and my chum left his address, a corner house in the Longstone Road, at about five past two. We walked straight along Seaside Road, right past the Crumbles into Pevensey Bay. From there we went

Field and Gray.

George Mercer

to the Castle We sat down on the green inside the Castle wall for about 15 minutes, when a young lady passed us and I and my friend spoke to her. She is Miss Baxter and she is staying at Ravenshurst, St John's Road, Eastbourne. We all three sat down together till about 4 p m. We then all walked home together to Seaside Road We came back the same way as we went, straight along the Seaside Road We arrived at the Leaf Hall about 5 p m We all three went into a small Italian ice-cream shop called the Criterion and had an ice each I and my chum left the girl about ten past five and my friend and I walked to his home. We both went into his house We sat down and had a game of cards until about quarter past six and then my friend's wife came in. I left him just after his wife came in and I went to my own home to tea I reached there just turned 6 p m After I had finished my tea, I went round for my friend again This would be about half-past six or a quarter to seven I and my chum then went to the Hippodrome We arrived in the Hippodrome about seven o'clock The play finished between quarter to nine and nine and from the Hippodrome we went to the Albemarle Public House on the corner of Seaside opposite Caffin's Garage. We stayed there until 10 I spoke to some friends in there, one was a military policeman (now discharged) whom I knew as Bill, also a corporal still in the Grenadier Guards, his name is Corporal Thompson and he is at Somerdown Camp, Hut B 2 From there we went back into the Hippodrome again where an old friend of mine works; his name is Bert Cosham The Hippodrome closed at about quarter to eleven and from there we all separated and I went home I should think we parted about 11 o'clock I did not go out again that night On Friday morning, the 20th, I went to the Labour Exchange at 9-30 From there I went straight to my friend's house I got there about a quarter to ten. From his home we went straight to the sea front and sat on a seat under the Wish Tower until 1 p m He went home to his dinner and I went home to mine I reached home about twenty past one I went out again about a quarter past two, went to my friend's house and from there we went together to the Tivoli We reached there about a quarter to three. We stayed in the Tivoli till about 5 p m We parted at the corner of Pevensey Road and Cavendish Place. I reached home about half-past five and met my friend again about a quarter to six at his home From there we went together to the Central Cinema and stayed there till half-past eight From there we went on to the sea front together which we reached about 9 p m and stayed until about half-past ten; then we both walked home to my house together He left me at the door to go to his own home. I went in and stayed in all night I was dressed in this coat; it is a dark grey double-breasted coat, and I was wearing a pair of dark grey flannel trousers and a round straw hat with a black band I was not carrying a stick I did not cross the Crumbles at any time on Thursday or Friday. Mother has lived in the town since 1915. I have been in the Navy and was discharged on the 24th of April. I did not have a cat in my possession either day. JACK A. FIELD

Evidence for Prosecution.

George Mercer

Examination continued—Having taken that statement from Field, did you take a statement from Gray?—I told Field he would have to be detained, and then I took a statement from Gray.

When you took the statement from Gray, did you previously caution him as you had done in the case of Field?—Yes, I told him to take plenty of time and to think carefully before he made his statement.

THE CLERK OF ASSIZE read the following:—

Statement of William Thomas Gray, age 28, married, platelayer by trade, but I am trying to get a post as a cinematograph operator. I have been out of employment 12 months. I was discharged from the Army 4th August, 1917, having served from the end of 1915, in the African Heavy Artillery. I came over from South Africa with that Force. I was born in South Africa and my father and mother were Scottish. I have lived in Eastbourne since I was discharged from the Army. Thursday morning the 19th of August, 1920, I came out of my house 124 Longstone Road, Eastbourne, at ten and went straight on to the sea front. I there met Jack Field. We stayed there listening to the band until 1 p.m. We then walked together through Victoria Place down into Susans Road and I left my friend just outside his house. He went indoors and I went straight home. I reached there about 1.15 and had my dinner. I came out again about ten past two. We met again by arrangement at the corner of Bourne Street and Longstone Road and from there we went straight down to the Leaf Hall. We waited there for about three minutes for a bus and rode down to the Archery Tavern. We got off there and went at once walking down Pevensey Road to Pevensey Castle. We reached there about 3.30 or 3.45 and we sat down on the green grass near the Castle. We sat there till about 4.15. As we got up off the grass I met a lady friend whose name is Maud. I do not know her surname. She is in service at St. John's Road. She has told me the name of the house, but I do not remember it. I knew her when she was at Colchester and I was in the Army there. I introduced her to Field on the 19th of August at Pevensey Castle. He did not know her until I introduced her on that day. I met her accidentally that day. I did not know she was in Eastbourne and I was surprised to see her. We all three at once left Pevensey Castle and walked together along the road to the Archery Tavern, where we all got on a bus and rode to Leaf Hall. When we got on the bus, I asked the driver what time it was. He said, "Quarter past five." We all got off the bus at the Leaf Hall. Field suggested that we should have some ice-cream, and we all three went into a little ice-cream shop and had a sixpenny ice-cream each. We stayed there about ten minutes. We parted from the young lady there. She got on a bus to go to the station. Field and I then went to my house and had a wash. We got home about ten past six and stayed there together until ten past seven. Field and I went out together and we walked to the Albion (?) Hotel, opposite Caffin's Garage. We got there about 7.15, had

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a drink each, left and went straight to the Hippodrome which we entered at about 7-30 We stayed there till about 9 o'clock, came out and had a walk right down to the station. We came back to the Albion, had another drink and there met a friend named Bill who was once a military policeman We came out of that public house about half-past nine, and Field, I, Bill, and another man whose name I do not know, walked together as far as Victoria Place The other two men left Field and me there It was then about 10 o'clock Field and I walked together to his house, where we parted and I went home and went to bed I got up about half-past ten on Friday morning and came out about 11 I met Field at the corner of Fountain Road by arrangement at about five past 11 We walked together to the sea front and sat down and remained there till about half-past one, then walked to Susans Road and left Field at the corner I walked straight to my own house where I arrived at about five and twenty to two I remained there till two, came out and walked towards Field's house but met him on the way We went to the Tivoli picture show We went in there about half-past two and stayed there till about five We then went to my house and had tea. We left there at 6-15 and went to the Central Picture House and stayed there till half-past eight From there we walked along the sea front and stayed there till half-past ten Field and I then walked home along the front and down Victoria Place I left Field at the top part of Susans Road and went home at about 10-35 I did not come out again that night I have never met the young lady whose photograph is in the *Daily Mirror* of the 23rd of August I did not go across the Crumbles on the 19th or 20th of August I have never been across there in my life. I have been married three years and my wife is English and a native of Eastbourne I have worked for Pickfords since I left the Army, also at Payne and Rogers as a carman I did not have a cat in my possession on Thursday or Friday and Field did not have one I was dressed in navy blue on Thursday and Friday I have been wearing it about two weeks. I have a grey suit at home I was wearing a trilby hat on Thursday. This statement has been read to me and it is correct.

WILLIAM GRAY

By Mr. JUSTICE AVORY—When that statement was taken, was the photograph he refers to produced? He says, "I have never met the young lady whose photograph is in the *Daily Mirror* of the 23rd of August"?—No, I never showed him any photograph at all.

How came that photograph in the *Daily Mirror* to be mentioned?—I think I asked him if he had seen the photograph in the *Daily Mirror*, and he said no

Was the *Daily Mirror* of that date produced?—No, no paper and no photographs at all were shown to him

Examination continued—Was that towards the end of his statement?—Yes.

Did you cause some inquiries to be made?—Yes. I sent to the

Field and Gray.

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then I said, "We will take this cab." He said, "All right, and then you can give me my things." We got into the cab and rode to the Town Hall. There I said to him, "You will be charged with being concerned with Gray in the wilful murder of Miss Munro at the Crumbles on 19th August. A sailor named Putland identified you this afternoon when you were at the coffee-stall on the beach as a man he saw with her there at 3 p m. on Thursday, the 19th." I said to him, "You need not say anything unless you like, but anything you do say will be used in evidence" Field said, "You have had my statement—"

Before he said that, did he say anything about the sailor?—He said, "Can I see the sailor?" and I said, "You will have an opportunity of seeing him" He then said, "You have had my statement and you are no man not to believe it I kept quiet before, but I shall not this time. I have told you the truth"

About 8-15 the same evening were you with Inspector Wells in Seaside Road?—I was

Did you see Gray there?—I saw Gray with his wife.

Did Inspector Wells in your presence speak to him?—He did. He said, "We want to speak to you" I said, "I am a police officer. I want you to come to the station with me again. I will tell you why when we get there." Gray said, "All right" We placed him in a cab and took him to the Town Hall. There I said to him "You are to be charged with being concerned with Jack Field in the wilful murder of Miss Munro on the Crumbles on 19th August. A sailor has identified Field this afternoon as being with her there on the 19th, and you say in your statement you were with him that afternoon, but the sailor did not identify you." I cautioned him, and he said, "I spoke the honest truth the other day. If I did not, may I be struck dead I wish I had never come to England"

On 5th September, the next day, were you at Hailsham when they were charged by Superintendent Willard?—I was. They made no reply

On the Saturday, the body having been found on the Friday night, when the railwaymen went and saw the body of the deceased girl in the mortuary, there had been no picture of the girl in the papers up to that time?—Oh no.

Can you say when the picture first appeared?—On Monday, 23rd, was the first time I saw one. It was in the *Sketch*, I think. I had a photograph taken of the body at the mortuary and I also had a sheet of portraits prepared, cut out of various newspapers.

Supposing you walk from the Archery Tavern to Pevensey Bay and then from Pevensey Bay to Pevensey Castle, and walk back again over the same ground, how long does it

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George Mercer

ke?—It took me an hour and a half to walk from the Archery
vern to the Castle—sixty-one minutes walking to the Bay and
the remainder walking to the Castle.

So that to walk there and back would mean three hours without
owing any time for staying there?—Yes.

Were you walking at an ordinary pace?—Yes.

The Court adjourned

Fourth Day—Thursday, 16th December, 1920.

Evidence for the Prosecution Continued.

GEORGE MERCER, recalled, cross-examined by Mr CASSELS—
You came down from London to Eastbourne on Saturday, the 21st?—Yes.

You first saw Field on the day that he made his statement to you, the 24th?—Yes.

He was released upon the 26th after you had had your interview with Miss Baxter?—Yes

Between that time and 6th September did he report nearly every day at the police station?—I saw him once there.

Did you know that he had been visiting the police station frequently during that period?—I know he visited it several times.

You had from his house the clothes which were in his possession?—Yes, excepting the pair of trousers he was wearing on the 24th.

He was wearing a pair of trousers on the 24th?—Yes, dark grey. We have not got those here.

You also collected from Irene Munro's lodgings her clothes?—Yes

Including a hat, I think, which is known as Exhibit No. 4 in this case?—Yes

A large transparent brimmed hat?—Yes.

The two men were put up for identification by a very large number of witnesses who have been called?—Yes On the 25th they were seen by the two Hancocks, Funnell, and Standen

Those are four or five of the men from the railway-hut?—That is so

Who failed, of course, to identify them?—Yes

Field was in receipt, was he not, of unemployment pay?—Yes.

Have you ascertained that that unemployment pay was collected by him at the proper place in Eastbourne on Thursdays?—Yes.

And that on Thursday, 19th August, he received 29s.?—That is so.

The time of payment being between nine o'clock in the morning and noon?—Yes

Cross-examined by SIR EDWARD MARSHALL HALL—You know also that Gray was in receipt of a pension which had been reduced, and which was eventually paid at 8s a week?—Yes

That also, curiously enough, was paid on Thursdays?—Yes.

I am going to confine my questions to what has appeared in the public press, so far as you know about it, without mentioning any

Evidence for Prosecution.

George Mercer

names. You did all you possibly could to trace the authors of this crime?—Certainly.

That is your business. You told my learned friend that you appeared on the scene on Saturday, 21st August?—Yes.

On the 21st the information you had had was the information of what I may call the men in the railway-hut?—Yes.

And also the information of a man called Wells?—No, I did not get Wells's until the 23rd, the Monday.

So that on Saturday, the 21st, what you had was practically positive identification of Irene Munro as being the girl who had been at 393 Seaside?—Yes.

You had no doubt as regards her identity?—No, that was settled.

Then you had the statements of the men in the railway-hut?—Yes

That came to this, that they could not identify the two men here as having been with a girl?—Yes, they all said so.

They all failed to identify the men, but they all identified the lead body of the girl, Irene Munro, as being that of the girl they had seen near the scene of the crime on the Thursday afternoon?—Yes.

There has been put in in this case a newspaper called the *Eastbourne Gazette** which was issued on Monday, 23rd August. Please understand I am not making the slightest suggestion against you of impropriety. It was a case in which you thought it necessary to give certain information to the press for the purpose of making certain discoveries?—I did.

Upon the faith of the information which you did give them, they very considerably embroidered it?—Undoubtedly.

They have stated as being police information matters which they themselves ferreted out, and for which you were not in any way responsible?—They inferred it.

But it is all put as the police statement. As a matter of fact, you did give some information yourself with regard to what I may call the Hailsham incident for the moment. Did you authorize that to appear as your information?—No.

By Mr JUSTICE AVORY—What do you mean by the Hailsham incident?

*Cross-examination continued by Sir EDWARD MARSHALL HALL—*One clue was an alleged clue of a man and girl being seen at a tea-shop at Hailsham?—Yes.

Did you give that information to the paper?—No.

It would not be right to say that they had your authority for that?—No.

Great publicity was given to that clue all over the kingdom?—Yes.

* See Appendix VIII.

Field and Gray.

George Mercer

You have satisfied yourself, I may take it, that there was nothing in that clue?—Yes

Other information given in the paper was that two soldiers were alleged to have been seen running away from the scene?—Yes, a corporal and a private.

That was one of the rumours that were flying about?—I gave that information

Have you cleared that up?—No

A corporal and a private were observed leaving the scene?—No, they were three-quarters of a mile away.

By Mr. JUSTICE AVORY—I just want to follow what this means Do you mean that there was some rumour came to your ears that a corporal and a private had been seen three-quarters of a mile away?—That is so

Three-quarters of a mile away from where?—From the hole where the body was found.

Sir EDWARD MARSHALL HALL—And running away

By Mr. JUSTICE AVORY—That was some rumour which came to your ears?—Yes.

Cross-examination continued by Sir EDWARD MARSHALL HALL—It was a little more than a rumour; it was information given to you, was it not?—Yes, it was information given to me by a man, and I pursued it

That information you did give to the press?—Yes, I wanted to trace those men

On the morning of Monday, the 23rd, in the *Daily Mail* there did appear the photograph of Irene Munro which you afterwards used and reproduced upon that sheet?—Yes.

Look at that copy of the *Daily Mail*. You have no doubt now that that was the one which was in the *Daily Mail* on Monday, 23rd August?—No.

That is the one which Blackmer said he had seen. In addition to that you caused a photograph of this poor girl to be reproduced on the cinema screens?—Yes, I had that done.

So that there was very wide publicity given to that particular photograph of Miss Munro?—No, not that one. The three small ones on the right-hand side of the exhibit were put on the screens.

Very much enlarged?—Yes

Three photographs were reproduced on the screens, and there was this large one which appeared in the *Daily Mail*?—Yes

That appeared in the *Daily Mail* on the morning of the 23rd?—Yes.

Amongst the things which were said to be missing and for which inquiry was made was a so-called diamond ring?—Yes

That was treated as missing, but was in fact afterwards found at her address in London?—Yes.

Evidence for Prosecution.

George Mercer

So that all that was missing was the bag and its contents and the purse?—Yes.

You, of course, have made exhaustive inquiries with regard to this poor girl?—I have.

Except for one purpose I do not think they are material to the consideration of this case at all. You have ascertained, have you not, that what the doctor told us is in all human probability true?—Yes.

Did you find that she was a girl of somewhat fastidious and particular habits? May I suggest that her girl friends told you that?—

Mr. JUSTICE AVORY—I am not sure that this is admissible.

Sir EDWARD MARSHALL HALL—May I suggest it is on one point, my lord? I want to show that she was the sort of girl who would not be likely to mix with men of the class of the two accused.

Mr. JUSTICE AVORY—Have you not got that already from the landlady and her mother?

Sir EDWARD MARSHALL HALL—So long as that is admitted.

Mr. JUSTICE AVORY—That is the uncontradicted evidence by the prosecution.

Sir EDWARD MARSHALL HALL—I am not trying to contradict it. I am trying to emphasize it, and putting her on a higher platform than the accused.

Mr. JUSTICE AVORY—You have the direct evidence of those who knew her, and even in cross-examination it is not admissible to ask what information he has received about her.

Sir EDWARD MARSHALL HALL—I quite agree, and as long as I have made clear what my object was I will not pursue it. [To witness] Can you give me the exact date upon which Blackmer was taken to see the photographs?—On 9th September, I think it was.

At that time, of course, these men had been detained and liberated, and detained a second time?—Yes.

You had taken great precautions, had you not, to prevent any photographs being taken of these two men either at the Police Court or at the Inquest?—Yes, because they were going to be put up again.

Amongst the other inquiries that you made, did you find that she was a girl who went to somewhat expensive restaurants, and that when she went to the theatre she went to good seats at the theatre?—Only one theatre I know of—His Majesty's. She went to a good seat there.

There was a motor-car theory. You exploded that?—Yes.

There was a hunt after a motor car?—That is so.

Re-examined by Mr. GILL—Had the photographs of the girl that appeared in the papers been taken from a photograph which

Field and Gray.

George Mercer

you got possession of afterwards, which brings out the hair of the girl in a very marked way and also shows the prominent teeth?—Yes.

It is rather striking?—Yes, very striking

With regard to the time when the two men were put up for identification, did you take any part in that at all?—No, it is against the rules of our service

As a matter of fact, do you know when they were put amongst people for identification how Gray was dressed?—Gray would be in a blue serge suit.

Do you know how the other man was dressed—what hat he was wearing?—He was wearing a straw hat with a black band

When these two men were detained on 24th August, had either of them any money?—One had 7½d

And when they were arrested in September?—One of them had 1s.

Mr. GILL—I put in the statements of the accused before the Magistrates.

THE CLERK OF ASSIZE—When before the Magistrates Jack Alfred Field said, “I am not guilty and reserve my defence” William Thomas Gray said, “I am not guilty and reserve my defence.”

Mr. GILL—That is the case for the Crown

Evidence for the Accused Jack Alfred Field.

JACK ALFRED FIELD (prisoner on oath), examined by Mr. CASSELS—I am nineteen years of age, and I live with my parents at 23 Susans Road, Eastbourne I was in the Navy in 1917 and came out in April of 1920

Were you out of work from April of 1920?—No, I had about four weeks' employment at the Eastbourne Electric Light Co., but with that exception I was out of employment.

You met Gray, did you not, in June of 1920?—Yes. He was also out of work

You were very often in his company?—Yes.

Did you put your name down at the Labour Exchange for employment?—Yes

Did you go before the committee for your unemployment pay to get a grant?—I did not go before any committee. I simply put my name down and had to wait a week.

You put in an application and it was granted to you?—Yes.

How much unemployment pay did you draw?—29s a week Upon which day of the week did you draw that?—On Thursday. I want you to come straight to the week that included Thursday,

Evidence for Accused Field.

Jack A. Field

19th August. Monday does not matter. Take Tuesday. do you remember Tuesday of that week?—Yes.

Did you report at the Labour Exchange?—Yes.

Did you spend a part of the day with Gray?—Yes.

Now come to Wednesday, 18th August. Did you meet Gray upon that day?—Yes, just after nine o'clock in the morning.

Did you go anywhere with him? Take the morning, for instance?—On the sea front in the morning.

Did you visit the Albemarle at all?—During the dinner hour, between twelve and one

Was that an unusual thing for you to do?—No.

Was the bar at the Albemarle one that you used a good deal?—Yes.

Did you know the two barmaids there, Dorothy Ducker and Elsie Finley?—Yes.

And did you know the regular customers there fairly well?—Yes.

After dinner on Wednesday, 18th August, where did you go to?—I called for my friend Gray and then went to the swimming baths.

Do you remember that Wednesday pretty well?—Yes.

About how long were you at the baths?—About an hour, from three till four.

How did you spend the time after four o'clock when you left the baths?—I came along the sea front, sat down for about half-an-hour, and then went home to tea.

Can you tell us how you were dressed upon that day, Wednesday, 18th August?—A pair of grey flannel trousers, brown shoes, dark grey double-breasted coat, and a round straw hat with a black band.

Where did you go to on Wednesday evening?—The Hippodrome.

Did you have to pay to go in?—No.

Did you have a seat or not on Wednesday?—No.

Did you see anything of the girl known as Irene Munro upon Wednesday, 18th August?—No.

Now I come to Thursday, 19th August. Upon that morning what clothes did you put on?—The same as I had on on Wednesday.

Did you visit the Labour Exchange that morning?—Yes.

How much money did you draw?—29s.

What was your first expenditure out of that 29s?—An ounce of Turkish cigarettes costing 1s. 4d.

And the number to the ounce?—Between 18 and 22; I would not be sure.

Had you bought such cigarettes before?—Yes.

What do you usually smoke?—Player's.

Are they a little cheaper than that?—Yes.

After getting your unemployment pay and purchasing your

Field and Gray.

Jack A. Field

cigarettes, where did you go to on Thursday morning, 19th August—where did you spend the morning?—On the sea front.

With whom?—My friend Gray.

Did you go to the Albemarle that morning?—Yes.

What did you drink?—Bitter beer.

Did you see Dorothy Ducker there?—Yes.

Was anything said about her going to the pictures in the afternoon?—Yes.

As she has told us, she refused?—Yes.

How many drinks do you think you had that morning?—Two, I think.

Was it much of an expenditure out of your unemployment pay?—Very little.

On leaving the hotel where did you go for your dinner?—To Booth's Restaurant in Langney Road.

Had you done that before?—Often.

Generally upon what day would you go to a restaurant for your dinner?—Generally on the day when I drew my money.

After dinner did you meet Gray again?—Yes.

Did you go to the Albemarle again?—Yes.

Can you remember what you drank on the second visit to the Albemarle that Thursday?—Bitter beer.

Was something else said about Dorothy Ducker going to the pictures or to the Hippodrome?—Gray asked her again

Did she again refuse?—Yes.

Upon that second visit to the Albemarle about how long were you in the hotel?—Between five and ten minutes.

It would not be wrongly described as calling in for a quick drink?—No.

Did you and Gray leave there about 2-30?—Yes.

What was Gray dressed in that day when he was with you?—I cannot say for certain; I think it was a blue serge suit and a trilby hat.

Did the two of you proceed and go along some road?—Yes, Seaside Road.

Had you made up your mind that afternoon as to what you would do?—Well, if Miss Ducker would have come to the pictures with us we were going to the pictures, but as she refused we thought we would go for a walk.

Going along Seaside, did you reach Leaf Hall where the buses stop?—Yes. We got on to the top of a bus.

While you were going along on the top of the bus, do you remember an incident happening?—Yes. The bus stopped at the top of Firle Road and a friend of mine named Blackmer, a conductor of the buses, got on the bus there and stood on the platform.

Evidence for Accused Field.

Jack A. Field

Do you remember doing something while you were on the top of the bus and he was standing on the platform?—I tried to attract his attention by throwing a piece of paper at him.

Did you get off the bus at the Archery Tavern?—Yes, everyone had to get off

Was the bus fairly full?—Very full. There was a circus on very near the Archery and it was just about that time that the circus would commence, therefore all the people going there would catch a bus.

Was the circus being held down the road that leads to the bus depot?—Yes.

By Mr. JUSTICE AVORY—Was that the last day of the circus?—Yes.

Examination continued by Mr. CASSELS—On getting off the bus did you say something to Blackmer?—I did. I asked him whether he was getting too proud to speak to me considering he had his new uniform on

I think he made some observation to you and then went on down the bus depot road?—Yes.

What did you and Gray do?—We walked straight on towards Pevensey Bay.

What time would that be about?—About a quarter to three.

By Mr. JUSTICE AVORY—When you started from the Archery?—Yes.

Examination continued by Mr. CASSELS—Did you meet any girl at the Archery?—No.

If any girl said “Hullo, Jack” at the Archery that afternoon, was it said to you?—No.

Was any girl in your company when you started walking from the Archery Tavern along the road towards Pevensey Bay?—No.

Did you meet anybody along that road whom you knew?—No.

Did you go on to the Crumbles that afternoon?—No.

Were you walking along the railway-line that afternoon?—No.

Did you go as far as Pevensey Bay?—Yes, we reached Pevensey Castle just about four o'clock.

About how long do you think you stayed at the Castle?—Roughly, between five minutes to a quarter of an hour—about ten minutes.

Coming back, did you walk the whole of the way to Eastbourne?—No, we walked as far as the Lodge Inn.

Did you there catch a bus?—Yes.

Did you come back, you and Gray, alone?—Yes.

Did you speak to anybody at Pevensey Castle?—No.

Where does the bus from the Lodge Inn take you to?—It took us to the Leaf Hall.

Field and Gray.

Jack A. Field

Did you get off there?—Yes.

Where did you go to?—To Gray's home.

How long were you at Gray's home?—Until about six o'clock when his wife came in.

About what time would it be when you got to Gray's home?—Twenty minutes to six. When his wife came in, I left to go to my own home.

Did you have your tea at your home?—Yes.

Until you left Gray to go home to your tea, had you and he been in each other's company from the time that you had left the Albemarle?—Yes.

Did you make any arrangement about meeting Gray after tea?—Yes, I told him I should call for him as soon as I had finished my tea.

Was there any arrangement as to where you should go to that evening?—The Hippodrome.

Calling for him after your tea, did you notice that he had changed his clothes—put on different clothes?—He had smartened himself up a bit. He had brushed his clothes a bit—his boots, and washed himself, but he did not look exactly respectable.

Can you remember what trousers he had on?—Blue serge trousers.

Was he wearing the same clothes?—Yes.

Where did you go to first?—To the Albemarle Hotel.

Did you see the two barmaids there?—Yes.

What clothes were you wearing?—I was wearing exactly the same clothes as I had been wearing all day.

Did you ask the girls if they would have a drink, and did you stand them drinks?—Yes.

Had you ever done that before?—Very often.

What did they have to drink?—Miss Ducker had port and Miss Finley had whisky and soda. I had Bass.

Had you ever drunk bottled beer there before?—Very often.

At what period of the week, if you did drink bottled beer, would it be?—On Thursdays.

While having those drinks, were you smoking cigarettes?—Yes.

Did you offer one to anybody?—I offered one to each of the barmaids.

Did they take one?—They did.

What sort of cigarettes were they?—What I bought in the morning—Turkish No. 5.

Was a further invitation extended to Miss Ducker to go with you in the evening?—Yes.

She again refused?—Yes.

Upon leaving the Albemarle, did you and Gray both leave together?—Yes.

Evidence for Accused Field.

Jack A. Field

Where did you go to?—The Hippodrome.

Upon this occasion did you have seats?—Yes.

Who paid for them?—I did.

How much?—Six shillings

Out of which money did you pay the 6s.?—Out of a 10s note.

What was the 10s note a part of?—My 29s. that I drew in the morning.

Had you any other money upon you besides your 29s.?—No

Whilst you were in the Hippodrome that early part of the evening, did you go into the bar?—Yes.

Did you see MacMullen there?—I did.

Did you pay him back 2s?—Not that day.

When was it you paid him back 2s?—The Thursday before.

Did you have a drink with MacMullen?—Yes

What were the drinks?—One Worthington and two bottles of Bass.

Who paid for them?—I did.

How much would they be?—I cannot say exactly

After the performance at the Hippodrome, did you leave with Gray?—Yes.

Did you go for a walk?—No, we went back to the Albemarle.

By Mr. JUSTICE AVORY—What time was this? What time is the performance over?—Between a quarter to nine and nine o'clock.

Examination continued by Mr. CASSELS—Did you meet some people you knew in the Albemarle?—Yes, a person I have known as Billy the Redcap.

Were there other people in the bar?—Very many.

How long did you stay in the Albemarle?—Until closing time—ten o'clock.

On coming out did you come out with Gray?—Yes.

Did you have any conversation at all outside the Albemarle?—Yes.

After that where did you and Gray go to?—To the Hippodrome.

Did you pay to go in this second time?—No.

Did you there meet Cosham and, I think, Burton?—Yes.

Did you owe money to Burton?—I did.

Was there any discussion between you as to how much it was?—Yes. I asked him how much it was and he said it was 9s. I told him not to pull my leg, I was not exactly daft or drunk, and that it was only 7s.

Was that the amount which you repaid him?—Yes.

Did you take the money from something?—From a gentleman's purse.

How long did you remain in the Hippodrome?—Until the show had finished, a quarter to eleven.

Were you still in Gray's company?—Yes.

Field and Gray.

Jack A. Field

Upon leaving the Hippodrome, where did you go to?—I left him and went home.

You have seen a stick produced in this case?—Yes.

Was that stick in your possession on Thursday, 19th August?—No.

Did you take it out with you upon any of the occasions when you left home on that day?—No.

Did you have it in your hand on any occasion during Thursday?—No.

By Mr. JUSTICE AVORY—You are speaking of that stick which is now shown to you?—Yes.

Does it belong to you?—No, it belongs to my father.

Examination continued by Mr. CASSELS—Have you taken it out?—Often.

How long before Thursday, 19th August, would it be that you had last taken it out?—A fortnight or three weeks.

Why did you cease to take it out?—Because all my chums started chipping me; they told me what was the use of carrying a walking stick without any money in my pocket.

By Mr. JUSTICE AVORY—Do you mean Gray by your chum?—No, all my friends.

Examination continued by Mr. CASSELS—Had you had it with you when you have been visiting the Albemarle?—Yes.

Can you remember any conversation that you have had with either of the barmaids about it?—I think there was once about three weeks before—just before I left off using it. Gray took it out of my hand and said something to Miss Ducker; I think it was about asking for a biscuit for the dog.

Did that incident occur on Thursday, 19th August?—No.

What money are you supposed to pay at home?—I usually paid my mother 15s. a week.

Were you able to pay that week?—No

Did you ever pay that 15s. for that week?—Yes, in 5s. instalments afterwards.

Out of what?—Out of my 29s.

Did you collect your 29s. after Thursday, 19th August?—Yes.

Now I want to come to Friday, 20th August. Did you meet Gray on that day?—Yes.

Were you in his company?—Yes.

Do you know Victoria Place?—Yes.

It is said that you were in Victoria Place upon that day talking, according to the witnesses, to some girls. What do you say about that?—It is quite right.

How many girls?—Two.

Evidence for Accused Field.

Jack A. Field

By Mr. JUSTICE AVORY—About what time in the day?—Between ten and eleven in the morning.

Examination continued by Mr. CASSELS—Is there anything that you can remember particularly about Friday?—I know we went to the pictures twice that day

What did that cost you?—4s. altogether.

Now we come to Saturday. Did you go to the Summerdown Camp on Saturday?—I did.

With whom?—My friend Gray.

For what purpose?—To try to enlist

Why?—Because my friend Gray's pension had been reduced the week before. He told me so. I was out of work drawing 29s. a week. I knew it would not last for ever. My people at home had often been telling me that I ought to join up, and when Gray's pension was reduced we arranged that we would have a try to join up

Had you taken any steps about enlistment before Saturday, 21st August?—Yes, I had—very often. I had asked in the Labour Exchange where would be the best place to report to join up. The Labour Exchange asked me what I wanted to join and I told them I preferred the R.F.A. or the Royal Flying Corps. They told me the best place to go would be to 12 Bakewell Road, Old Town, Eastbourne.

Did you ever go there?—Yes, I did go there.

Can you tell us when?—About a fortnight before I went to Summerdown Camp. We asked for the recruiting sergeant and we were told that he was at Bexhill. We were told that if we wanted to join up we could go to Chichester, and if we were accepted our railway fares would be refunded.

Did you go to either place?—No.

Did you come back again to Eastbourne on that Saturday?—Yes.

How far is Summerdown Camp away from Eastbourne do you know?—It is only about a mile and a half I think or something like that.

When did you first read of the murder?—On the Saturday morning I think it was.

What in?—In the *Eastbourne Saturday Herald* I think it was, or the *Gazette*—something like that; it was an Eastbourne paper.

Did you, like everybody else, at any rate in Eastbourne, take some interest in the matter?—Yes.

Did you read the newspaper yourself?—Yes.

What about Gray?—Gray cannot read. I read it aloud to him.

On the Sunday, 22nd August, did you read other newspapers containing accounts about this matter?—Yes.

Field and Gray.

Jack A. Field

Was it a topic of conversation with you and with others?—It was a topic of conversation with everyone down there at that time.

Can you remember how you spent your time on Sunday?—We were on the sea front all day except when we went home to dinner and tea.

Can you remember meeting the witness, Miss Baxter?—Yes

Can you remember when it was?—It was on Sunday evening, the 22nd.

Where?—At the Wish Tower.

By Mr. JUSTICE AVORY—Are you speaking of yourself only?—No, both of us—Gray and myself.

Examination continued by Mr. CASSELS—Do you remember what time it was that you met her?—I cannot say exactly the time, between seven and nine.

How did the conversation between you start?—We were sitting on a seat and Miss Baxter walked past us and Gray said “Good evening.”

Did she reply?—She said “Good evening.”

What was the topic of conversation between you?—On the Sunday I think Gray was asking her where she came from, how long she was staying in Eastbourne, and whether she was enjoying her holiday—as we thought she was on a holiday when we first met her.

Was there some conversation about the contents of the newspapers?—Yes, there was some discussion. Gray was carrying the newspaper and Miss Baxter asked Gray what the news was. He did not exactly like to tell her that he could not read so he handed me the paper and asked me to read it, or to tell Miss Baxter the news that was in it.

Did you arrange to meet Miss Baxter again?—Yes, Gray made some arrangements to meet Miss Baxter on the Monday afternoon.

Did you meet her?—Yes

You and Gray together?—Yes.

Where did you go to?—On the hill.

What did you do?—We sat down on the hill—or rather Gray sat down with Miss Baxter.

Do you remember what time it was that you met her?—Between 2-30 and 3 o'clock.

By that time did you know her name?—Yes.

Did you know where she was employed?—Yes, we had seen her home on the Sunday night.

How long were you in her company on the Monday afternoon?—Until about 5-30.

Was the murder discussed?—On the Monday, yes.

Can you remember any of the discussion?—No, I cannot exactly remember what it was word for word.

Evidence for Accused Field.

Jack A. Field

Had you got a paper?—I had got a paper, yes. I think it was a special edition of the *Eastbourne Gazette*.

Did you find that Maud Baxter took any interest in the news of the day?—She did take some interest in it. She said that she did not like Eastbourne as one girl had been murdered, and she thought that for all she knew she might be murdered too, and therefore she would like to see whether they had arrested anyone for the murder.

By that time had you heard or read anything about two men in grey?—We had read that the police were looking for two men in grey

Can you remember anything particular about where you spent Monday evening?—Monday evening we spent with Miss Baxter at the foot of Holywell, at the end of the Parade towards Beachy Head.

What time did you leave her?—We met her just about 6-30 or 6-45. I was in her company until about 10-15.

And Gray?—I left Gray with her

Where did you go to at 10-15?—Home

Coming to Tuesday, 24th August, what did you do in the morning?—I went to the Labour Exchange first and reported—signed my name. Then I called for Gray

Did you have to register on the Tuesday in order to get your money on the Thursday?—You have to sign your name every morning except Saturdays.

Do you remember being addressed by Chief Inspector Wells and Detective Curtis upon that day?—Yes.

Were you taken to the police station?—Mr. Wells asked us to accompany him to Latimer Road Police Station.

Did you say something to Inspector Wells when he invited you to go to the police station?—I simply said that I would go with him.

Did Inspector Wells tell you why he wanted you to go to the police station?—No.

Were you alone?—I was with Gray.

Was anything said on the way to the police station by Inspector Wells or by you, can you remember?—I could not say about Mr. Wells. Mr. Wells was walking with Gray in front of Mr. Curtis and myself.

Was anything said by you to Mr. Curtis on the way?—While we were on the way to the police station, Mr. Curtis asked me if I had any work. We were talking about work and how scarce it was in Eastbourne.

When you got to the station, was anything said there as to why you had been brought?—Mr. Wells said, “I suppose you know why we have brought you here?” and I said, “Certainly, I have been expecting it.”

Field and Gray.

Jack A. Field

Did he say anything when you said you had been expecting it?—He asked me why I had been expecting it. I told him that we had both got grey herring-bone suits, and that the police were looking for two men wearing grey herring-bone suits. I had noticed a fellow named Wells, a friend of Putland's, had been following us, and after that I saw him go and speak to Detective Wells. I then told Gray that there was someone following us, and he said, "I wonder if they are going to pull us up for the murder?" and when they did pull us up I jumped to the conclusion in a minute that that was what it was for.

Were you told to wait for Inspector Mercer?—Mr. Wells told us he would get into communication with Mercer, and he would have to take us to the Town Hall to see Mr. Mercer and make a statement, or volunteer a statement, of where we were on the 19th

Mr. Mercer was not at the Latimer Road Police Station?—No.

So you were taken along to the Town Hall at Eastbourne?—Yes, we were taken there in a cab.

Do you remember before seeing Detective-Inspector Mercer saying anything to Gray?—Yes. After we had arrived at the Eastbourne Town Hall, we were both put together in a small room with a policeman in the room—a policeman was at one side of the room and Gray and I at the other side, and I told Gray we were in a nice old fix, being arrested for murder. I told him how were we going to prove where we were on the Thursday afternoon as we were wanted to do.

By Mr. JUSTICE AVORY—Do you say that the police-constable was within hearing? Could he hear what you said to Gray?—He could have heard that we were talking, but he could not distinguish what we were saying.

This was in a small room, you say, while you were waiting for Inspector Mercer to come?—While we were waiting to see Mr. Mercer, or to be fetched to Mr. Mercer.

Just repeat it again, because I want to take this down carefully what it was you said to Gray. "We are in a nice hole"—?—I said to Gray, "We are in a nice pickle now. How are we going to prove where we were on Thursday afternoon?" He said, "I can't say what is going to happen." I said to him, "Well, can't we say we were with someone while we were at Pevensey?" He said, "And who do you think we could say we were with?" I said, "How about Miss Baxter? She seemed rather friendly with you when you were with her." He said, "Very well, if you like to say we were with Miss Baxter I will say the same."

Examination continued by Mr. CASSELS—Is that all the conversation you had?—That is all the conversation we had.

Why did you pick out the afternoon of Thursday?—Because we saw in the paper that the murder was supposed to have been

Evidence for Accused Field.

Jack A. Field

committed after lunch time, and that Miss Munro was seen about three o'clock, or a girl like Miss Munro, and therefore we knew it would have to be after three, and we knew we could prove where we were after six, and therefore we knew it would be between three and six that we should want to prove where we were.

Were you then taken to Detective-Inspector Mercer to see him?
—Yes.

Who went first—you or Gray?—I did.

Did you make your statement which has been read in this case?
—Yes.

Is that a true record of what you said to Detective-Inspector Mercer?—Yes

You read it through and signed it?—Yes

Did Gray, after you had made your statement, go and make his?—I did not see him go; I know he did go.

Was he present when you made your statement?—No.

Were you present when he made his?—No.

I think you were detained in the Eastbourne Town Hall on that Tuesday night?—Yes.

And on the following day, Wednesday, the 25th, did Detective-Inspector Mercer come and show you a stick?—Yes

Did you then say to him, “I admit that is my stick, but I am sure I did not have it with me on the Thursday”?—Yes.

Did Detective-Inspector Mercer tell you that he had seen Miss Baxter and she had said she was not with you on that Thursday afternoon at Pevensey?—Yes.

Did you say that you must have been mistaken about the young woman, but “I still swear I was at Pevensey on Thursday”?—Yes.

And you signed that statement “Jack A. Field”?—Yes.

I think you were told by Detective-Inspector Mercer that you would be detained for further inquiries, and you were detained on that day, Wednesday, 25th August?—Yes.

Were you released on 26th August, the Thursday?—Yes, just before four o'clock, or about four o'clock.

Did you then go home?—Yes.

That evening where did you go to?—We went to the Albemarle first.

Whom did you see there?—We saw Miss Ducker standing on the doorstep.

How did she greet you?—She said, “Hullo, where have you been lately; I have not seen you.”

Were you with Gray then?—Yes.

What did you say?—I said, “Didn't you know we were detained for this murder?”

Did you visit the Albemarle on subsequent evenings between that time and your re-arrest?—Yes.

Field and Gray.

Jack A. Field

I should like to ask you one general question on this point: did you at any time from 19th August change your ordinary mode of life?—No.

Or at any time cease to associate with Gray?—No, I kept company with Gray all the time

Did you walk along the Front at Eastbourne between your release and your rearrest?—Yes

Did you go to the Hippodrome again?—Yes

Did you go to the swimming baths again, can you remember?—I will not say for certain, I think I did go on the Wednesday.

Do you remember trying to get any employment anywhere during that period?—I went to a private registration office, Madam Jacques in Trinity Place.

Did you report at the police station frequently during that period?—I did not report; I was not told to report, I went up there voluntarily to try to get my clothes back.

Did you continue to draw your unemployment pay?—Yes.

Do you remember being rearrested on Saturday, 4th September?—Yes.

You were arrested by Detective-Inspector Mercer and taken in a cab to the police station?—Yes

And there charged with the wilful murder of Irene Munro?—I was told I should be charged

We need not go into what happened there. You were searched and placed in a cell, and left there for the night?—Yes

It is not in dispute that during the time you were on remand you were at Maidstone Gaol before the Police Court hearing at Hailsham—there were several remands at Eastbourne I think and at Hailsham without any evidence?—Yes

During that period were you at Maidstone Gaol while waiting for the Police Court hearings?—Yes

Only one question about that. You have seen Smith come into the witness-box both at the Police Court and here?—Yes

Can you remember Smith trying to get into any conversation with you at all?—Yes.

Were you in a cell at Maidstone which has an iron-barred gate to it instead of a door?—Yes.

What did you say to Smith?—I told Smith to go to hell and get away from my cell gate.

What had he asked for?—Cigarettes.

Only one general question now: did you see Irene Munro on Thursday, 19th August?—No

Did you have anything at all to do with her murder?—No.

Mr. JUSTICE AVORY—Sir Edward, do you ask any questions? Sir EDWARD MARSHALL HALL—No, my lord.

Evidence for Accused Field.

Jack A. Field

Cross-examined by Mr. GILL—Do you remember being present at the Inquest?—Yes.

You were present on each occasion that the inquest was held?—Bar the first.

Therefore you were present when every witness was examined except on the first occasion?—Yes.

Did the Coroner, after each witness had been examined, give you the opportunity of asking any question?—Yes

When the evidence had been called, did he ask you whether you would like to make any statement?—He asked me whether I had anything to say

Whether you wanted to say anything?—Yes

Did he ask you whether you desired to give evidence?—No

Are you sure?—Yes.

You said nothing?—He simply asked me if I had anything to say, and I said no.

When did you first see a solicitor?—I first saw a solicitor in Maidstone Prison

Could you tell me about when that was?—It was very shortly after I arrived there.

In September?—In September, yes

Do you remember that there were two remands. You were before the Magistrates on 6th September, then it went to 9th September, and then to 16th. I will just remind you of the 16th and you can tell me whether you then had a solicitor. Do you remember being brought up on the 16th when you said that you were pulled up once and detained for two days, and did you say, “We made a statement as to where we were; that statement was proved correct and we were released.” Do you remember saying that?—I said something like that; I do not know whether it was exactly that.

Was it after that that you had a solicitor?—Yes.

Did you and Gray see the solicitor together in a room and had he got a shorthand-writer there?—Not the first time, not until I had had two or three visits from my solicitor.

Was there a time when there was a solicitor there with you and Gray together and a shorthand-writer?—Yes.

Was that at Hailsham?—There was no shorthand-writer at Hailsham

At Hailsham were you allowed by the police to have a room where you and Gray saw a solicitor on more than one occasion?—They came into my cell.

After that you were represented at the Police Court?—That was when they came to my cell.

Were you represented at the different hearings at the Police Court—did counsel appear for you?—Sometimes, not all times.

Field and Gray.

Jack A. Field

When the case was gone into at the Police Court, was not Mr. Cassels there representing you?—Certainly.

He was there representing you on three or four days up to the close of the case was he not?—Yes.

Were you asked then whether you desired to say anything or to give evidence?—Yes, we were asked if we would like to say anything.

And you reserved your defence?—Yes.

Just a question with regard to the money that you got on the Thursday. The money you got on the Thursday was the money you ordinarily got week by week?—Yes.

Out of that you would have to provide your means of living?—Oh no.

Not in any way?—Not in any way.

What other source had you got except that money?—I had not got anything I was living with my people at home.

You were making some contribution, I suppose?—I was supposed to make a contribution to my mother, certainly.

And you would want money for your personal expenses?—Yes.

I mean the expenses of going about day by day and being in the Albemarle day by day?—Yes.

And going to picture shows—that all wants money, does it not?—Certainly.

You say you had been apparently borrowing small sums of money?—A long time before.

It never happened to be convenient to repay them You never did in fact repay them although you had borrowed them some time before?—Not until Thursday, the 19th.

With regard to this 19th August there is no doubt at all about this, that practically the whole day you and Gray were together?—We were together all day, bar the dinner hour.

Do you remember just now Mr. Cassels asking you how Gray was dressed on that day?—I do.

How was it that it took you some time to answer that question?—It is such a long time back.

Is that the reason?—I have had a lot to think about besides what Gray was wearing.

Did you hear Miss Ducker say that on that day he was wearing a grey suit and a trilby hat?—Yes.

Was that true?—No.

Did you hear her say that he had worn the same clothes for a fortnight before?—I did.

Was that not true?—No.

Would it be true to say that he was wearing a blue suit on that day and for a fortnight before?—I will not say exactly for a fortnight, but some little time.



Field (right) and Gray

Evidence for Accused Field.

Jack A. Field

On that day and for some time before?—Certainly.

Did you hear her say that you were wearing dark clothes and a cap?—Yes.

Did you see the cap that was produced here?—Yes.

You say you were wearing a straw hat?—I was

That is a cap of yours [handing cap]?—It is.

Is that a cap that you sometimes wore?—It is.

Miss Ducker has told us of the incident of the walking-stick. You say that did not occur?—Not on that day.

Is it a stick that would be properly described as a light-coloured stick?—Yes, light coloured

Anybody seeing it from a little distance might well describe it as having what appeared to be a dog's head on it?—I cannot say.

If anybody gave that description, would it be pretty accurate?—That would not be anything to do with me I have only seen the stick at a near distance

With regard to the question as to where you were before lunch, the evidence is right?—Before lunch in the Albemarle, yes.

The evidence as to your going to the Albemarle after lunch, is that right?—Yes.

The evidence as to your being on the bus—that is right?—Yes. That Blackmer was on the bus—that is right?—Yes.

Blackmer is not a man who has any grudge against you at all?—Well, I won't give a friend away—no.

He could not be mistaken about you, could he; he knows you well?—He knows me well.

And had often spoken to you, and had spoken to you when Gray was with you?—Yes.

He says that the bus got to the Archery at 2-45?—That is about the time it got there.

So that you and Gray were at the Archery at 2-45?—We were.

That is just about 60 yards across to 393 Seaside?—I cannot say where 393 Seaside is.

Blackmer said that the girl came across and addressed you as “Hullo, Jack”?—Blackmer said so.

Is that untrue?—It is very untrue.

The true story would be to say that you walked straight away from the Archery?—After we spoke to Blackmer.

Having spoken to him, you walked straight away?—Yes.

Walking straight away from the Archery, you know now you would almost immediately pass 393 Seaside?—Yes.

And walking on a little over 200 yards you would pass the place where Dyer was?—I do not know exactly where Dyer was.

Do you not know St. Andrew's Church?—I know St. Andrew's Church, but I will not say how far along the road it is.

If Dyer is right in saying that he saw Gray, whom he knew

Field and Gray.

Jack A. Field

well, with another man there, you must have been the other man?—If he saw Gray, yes.

Do you say that the story of Putland and Wells is all invention?—It must be.

The walking along and getting on to the Crumbles, and the deceased girl handing the paper bag, and the kitten, as far as you are concerned is a complete invention?—Certainly

And you never passed the railway-hut?—I passed the railway-hut on the road; not on the beach.

I mean on the Crumbles?—No.

When Wells says that he saw you with a light-coloured stick in your hand with what appeared to be a dog's head on it, that must be either untrue, or there must have been another man with a light-coloured stick with a dog's head on it?—There must have been.

You started to walk from the Archery and you walked to Pevensey Bay; is that right?—Yes.

Then from Pevensey Bay to the Castle?—Yes.

You remained there for some time?—Just over five minutes.

Then you walked back to Pevensey Bay?—Yes

And from Pevensey Bay to the Lodge?—That is right

Did that take you about three hours?—I cannot say exactly how long it would take.

Can you mention the name of any human being who you saw?—I do not think I can.

You got back to Eastbourne and went to Gray's house?—Yes.

Did he change his clothes?—Not to my knowledge; no; I have already said he did not change his clothes.

I want to make it quite clear. You say he did not?—I do.

When you got to the Albemarle that night about 6-30, did Miss Ducker say to Gray, "How dirty you look"?—Yes

Did Gray say, "Yes, my friend pushed me in the water on the beach and there was not time to dry my clothes before six o'clock"?—He said something like that, yes.

How would it be possible to say that if in fact he had not changed his clothes?—He is not the sort of man who is going to tell Miss Ducker that he has not got more than two suits and that one of those suits is torn a great deal and therefore he can only wear one suit.

Do you say now that he had not changed his clothes?—I do.

Did you hear her give her evidence before the Coroner at the Inquest?—Yes.

Did you hear Gray then say at the Inquest in your presence, "Can't a man change his clothes without asking permission of anybody?" And also, "I have already said that I had changed my clothes" Did you hear him say that?—He did say that.

Evidence for Accused Field.

Jack A. Field

Do you still say he did not change his clothes?—I do.

On that night the story told by Miss Ducker of your coming in there and offering cigarettes and the treating to the glass of port and the whisky and splash and your drinking bottled beer—that is all true?—Yes, bar that Miss Ducker said I offered cigarettes out of a box. I did not offer them cigarettes out of a box; it was out of my cigarette case

Was this your ordinary expenditure?—On Thursdays, yes.

You were only in the house about a quarter of an hour or twenty minutes on that occasion?—Before we went to the Hippodrome, yes.

I am talking of this particular time that you went there at 6-10, and Miss Ducker left to go to the Hippodrome?—We left just after Miss Ducker.

Is it right to say that your ordinary expenditure is what you were spending that Thursday night?—No.

It was exceptional?—It was exceptional, yes

You went from there to the Hippodrome and paid 6s. for seats?—Yes, 6s. for seats—that is 3s. each

Was Miss Ducker right in saying that you had gone from drinking bitter to ordinary beer in the morning?—No.

That was not true?—No.

Or that you had asked for a free drink—a “buckshee”?—That was not true. It was not likely I should ask that when I had 29s.

Do you remember going into the pit bar and having two Basses and a Worthington?—Yes.

MacMullen says that you paid him 2s at that time, and that he said to you, “Who have you been setting about”?—MacMullen said that the Thursday before.

Coming out of the Hippodrome, did I understand you to say that you went from there to the Albemarle?—I do.

Do you say that seriously?—Yes.

You have heard Miss Baxter's evidence?—I have heard it, yes.

Was that untrue?—Very much untrue.

The evidence that she gave as to you and Gray speaking to her when she was posting a letter, and asking whether you might walk home with her—do you say that that is all invented?—Invented for the Thursday, yes.

You say you did not see her at all on the Thursday?—I do say so

Do you say the first time you saw her was on the Sunday?—That is right.

You appreciate what her story was. She said that it was the first time she had come out during the course of that day that she was posting a letter and the two of you came up and said, “Good evening, miss,” and had some conversation with

Field and Gray.

Jack A. Field

her and walked from there up to Ravenhurst and left her there?—That is what she said.

That is all untrue?—Yes

Do you remember leaving the Hippodrome and going to the Albemarle?—I do.

There is no mistake about that?—No.

Did you hear Gray's statement in which he said that when the two of you left the Hippodrome you walked from there to the station and back?—I did.

Is he mistaken?—He is very much mistaken.

You do not say it is untrue; you say it is a mistake?—Yes, he is mistaken; that is right.

Mr. JUSTICE AVORY—Would you make that clear by asking him whether he left Gray at all after they left the Hippodrome?

Cross-examination continued by Mr. GILL—I did put the general question to you as to whether the two of you were together during the whole of the day and you said yes, but when you left the Hippodrome did the two of you leave together?—We did.

Did the two of you go from there to the Albemarle?—Yes.

And were together during the whole of that evening?—Yes.

Is it right to say that you stayed in the Albemarle until the house closed and then went back to the Hippodrome?—That is right.

It is quite right to say that you met Burton there and paid him the 7s. that you had owed him for two or three months?—That is right.

How was it you had not paid him the 7s. on any of the other Thursdays when you got your money?—Because Burton and I had had a row. I had not seen Burton for some time and when I did see him on the Thursday evening of the 19th, when I went into the Hippodrome, he spoke to me about it and I there and then pulled out my purse and gave him what I had borrowed from him, and when I had paid him the 7s. I told him he could go to the devil because I had finished with him. That is why I paid him.

You and Gray after that parted close to your house, or close to his?—Outside the Hippodrome.

You have heard Gray's statement read?—Yes.

More than once?—Yes.

In his account of the day did you hear that he said he was with you the whole day except a short time in the middle of the day and that when you came back from Pevensey you both went to his house and remained there together until you both went out to the Hippodrome. Is that a mistake?—That is another mistake of his.

Evidence for Accused Field.

Jack A. Field

Now the Friday. You were together the whole of the day?—Bar meal times, yes.

Except for a short time in the middle of the day?—Yes.

Then it comes to Saturday morning. In Susans Road on the morning of Saturday did you see the announcement of the placards of the newspapers of the finding of the body?—Not in Susans Road

Outside one of the places did you see the announcement of the finding of the body?—I did.

You now know the news was all over Eastbourne before eight o'clock in the morning?—I do not know about before eight; I was not out

There you saw *this* placard?—Yes.

“Woman’s dead body found. Foul play suspected”?—That is right

By Mr. JUSTICE AVORY—What time did you see that?—I saw that about ten o’clock or just before ten o’clock

Cross-examination continued by Mr. GILL—Were you and Gray at Summerdown Camp at 10-30—before eleven?—It might have been eleven

It is a mile and a half or two miles away, is it not?—Something like that; that is going one way; there is a short cut.

Did you take the short cut?—We did

On the Friday I think you told me you were at the pictures in the afternoon and again in the evening?—That is right.

The same sort of price seats?—Yes

Then Sunday—when do you say you first met Miss Baxter?—On Sunday evening.

So that her story about the previous meeting is quite untrue?—Quite untrue

When did you first think that the two of you might be arrested for this murder?—When I saw in the paper that they were looking for two men in grey herring-bone suits.

What day was that?—I think it was on the Monday.

Had you both in fact got grey herring-bone suits?—It looks like it.

That is right, is it?—Yes.

You know you were with Gray on the Monday. When it occurred to you that the two of you might be arrested for it, did you not tell him that?—Certainly I told him that.

If you were arrested for it, the best possible answer would be that you were with somebody else at the time?—I did not think about it at the time.

Does it not occur to you now that the best possible answer would be to say that you were with somebody else at the time?—That is why I said I was with Miss Baxter.

Field and Gray.

Jack A. Field

I quite appreciate that. Did you realize that on the Monday?—No.

You say that on the Monday you thought the two of you might be arrested?—I did.

And that you spoke to Gray about it. Is that right?—Yes.

That being so, I suggest to you that you discussed together whether the very best answer you could make would be that you were with somebody else?—We did not.

Miss Baxter told us that on the Monday evening you were talking about Pevensey and asking her whether she had ever been to Pevensey. Did you hear her say that?—I heard her say that.

Is that true?—Not that I asked her.

Gray?—I cannot remember if he did.

Did you both tell her that the two of you had been to Pevensey on the Thursday?—We told her that.

And that you had been in an ice-cream shop?—Not at Pevensey.

No, somewhere?—Yes.

Did you tell her that?—Yes.

Did you tell her about getting on the bus to come home to the Lodge Inn?—We told her we came home on a bus

Did you tell her that you got on to a bus at the Archery or at the Lodge Inn?—I did not tell her where; I simply said we came home in a bus

Did you tell her the story of the two of you being on the front seat and one of you asking the driver what time it was and the driver saying 5-15, and you said, "Good God, have we been all this time coming from Pevensey," and Gray said, "Oh yes, but we were walking so slowly"?—Gray did not say that.

She has invented that?—I will not say she has invented it; some part of it is true and some part is not.

What part is true?—We told her that we had got on the bus, and we told her that we had been to Pevensey. I do not know—I will not be sure—whether Gray said something about asking the driver the time, but I think he said it was 5-15.

It was 4-45, was it not, the bus you got on?—I could not say.

That got you to Gray's house a little after five?—I have already said that we did not get to Gray's house until about 5-40.

By Mr. JUSTICE AVORY—When did you tell Maud Baxter all this about your having been to Pevensey?—On the Monday, I think.

Cross-examination continued by Mr. GILL—You were both very polite to her, were you not?—I hope I am polite to everyone.

So that she would be no exception. Did Gray on the Sunday night and the Monday night see her home?—We both saw her home on the Sunday night.

Who made the appointment for the Monday?—Gray.

Evidence for Accused Field.

Jack A. Field

Who made the appointment for the Tuesday?—Gray

Before the appointment could be kept you were both detained?

—On the Tuesday, yes.

Had it been arranged that you were to see her off when she went away on the Saturday to Colchester?—That rested with Gray, I did not arrange that.

Did you know that he had kindly offered to get her watch mended?—I know Miss Baxter showed Gray the watch and Gray offered to mend it, and if it could not be mended Miss Baxter told Gray that he might keep it for a keepsake.

Miss Baxter carried a little bag, did she not?—That I did not notice.

Did you notice any letters of hers?—No

She told you what her name was, did she?—Yes

What name did you give her?—Not any.

She says that you gave her the name of White, is that true?—No.

She invented that?—I do not say she had invented it; that is a mistake.

She said that you told her your name was White and that you were two brothers?—I did not say anything about brothers.

By the Tuesday you had spent whatever money you had. One of you had 6½d and the other nothing?—My friend had 7½d.

Who was the originator of the Baxter story?—I was

Did you realize that it was of great importance to cover the time between 3-30 and five or six?—I realized that we had seen no one that we knew at Pevensey and therefore if we could not get someone to say that we were with them it would not be believed on our own statements saying that we were alone.

Not if other people had seen you elsewhere?—We could not get anyone to say that they had seen us.

If the witnesses are right, Blackmer saw you speaking to the girl at a quarter to three?—That is right; I think I mentioned Blackmer in my evidence.

And Rogers and Verrall saw the girl they knew quite well with two young men walk past the house within two or three minutes?—They may have done; that has nothing to do with me.

And a little farther on Dyer saw Gray and another man with a girl walking towards the Crumbles?—I do not know Dyer.

And Putland says that he knew you by sight and that he saw you with the stick with what looked like a dog's head on it with the girl and another man?—

Sir EDWARD MARSHALL HALL—Wells said that—not Putland.

Cross-examination continued by Mr. GILL—If it was the fact that you had spoken to a girl at 2-45 who had just come from 393 Seaside and that within a few minutes you passed 393 Seaside

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and walked from there towards the railway-carriage with the girl and another man—towards the place where the dead body was found—that was the time that had to be accounted for?—I was nowhere near where the dead body was found.

Yes, but that was the time that had to be accounted for?—Yes, about the time

And you accounted for it by a false story?—That is right.

You say you only arranged it in the few minutes you were at the Town Hall before Inspector Mercer saw you. You have heard Gray's statement read, have you not?—Yes.

Do you remember that in his statement he says he met this girl, that he did not know she was in Eastbourne and was surprised to find her there, and that meeting her in that kind of way he introduced her to you and then that the three of you went to Pevensey and walked all the way back and that you went into an ice-cream shop, and that she left you at ten past five and got on to a bus to go to the station. Did he do all that out of his own head without any agreement with you?—He did not do it out of mine.

Let us see what you remembered. You arranged the meeting for the purposes of this false story?—We arranged that.

And for the purpose of the false story you remembered that you had walked all the way back?—I remembered that we had walked back as far as the Lodge.

Did you not also both remember that when you were starting you both walked right past the Archery—that you had gone straight away, so that there was no pause there?—There was a pause there.

This is your own statement, “We met about five past two. We walked straight along Seaside right past the Crumbles to Pevensey Bay.” When you heard Gray's statement read, did you notice that you and he seemed to have both left out the same things in your statements—that you both left out the visit to the Albemarle between twelve and one?—I think I put that in when I gave my statement

We have got it here and you may take it that it is not in it. Do you remember Mr. Mercer telling you that if you wished to give an account of your movements on that day you could do so and that you were to take your time about it, and when you had made your statement did he ask you to read it, and did you read it and say that it was correct and sign it as being correct?—I did.

I have your statement before me now. Do you realize now that you left out the visit to the Albemarle between twelve and one?—I realize it now.

And that Gray left it out too?—I do not know about Gray.

Do you realize now that there were people there who could have said, and who did say afterwards, that he was wearing a

Evidence for Accused Field.

Jack A. Field

grey suit and a trilby hat, and that there was the stick with the dog's head?—I also realize that there were people there who could have proved that we were in there in blue suits.

I want to point out to you that for some reason it happened that both of you forgot about the visit to the Albemarle between twelve and one?—We did not forget it.

You also left out the visit at 2-30, you left out the meeting with Blackmer, and you left out, of course, the meeting with the girl at the Archery whom Blackmer saw you meet?—Blackmer made a mistake.

You left out, of course, the passing along Seaside and then denied the whole of the rest of the story by substituting Pevensey Castle?—I did not substitute Pevensey Castle; I was there.

Did you know that on that occasion Gray said to Inspector Mercer that on that day he was wearing a blue suit and that he had worn it for a fortnight before?—I know he was wearing it that day.

Did you know that he had said that?—I did not know that he said so.

Do you know that you both left out of your statements the fact that you had made the acquaintance of Miss Baxter on the night of the 19th?—We did not meet Miss Baxter on the 19th.

What is true in this statement of yours? You say, "I was sitting along the sea front on Thursday, the 19th, from about 10-30 a.m. till about 1 p.m." That is not true is it?—It is true.

I thought you were from twelve till one at the Albemarle?—From twelve to one; I will not say exactly the hour; we went in there and had two drinks; it does not take long to drink two glasses of beer.

"I was sitting along the sea front on Thursday, the 19th, from about 10-30 a.m. till 1 p.m. with the man who came here with me to-day. I went home to the above address at one for dinner." Was that true?—No.

Why lie about that?—I made a mistake.

Did you leave out the Albemarle by mistake?—I suppose so if I have left it out.

"I left home about 2 p.m. I went round to my chum's home and from there I went straight along Seaside." Had you forgotten that you had got on the bus?—Yes.

Had you forgotten that you had gone after dinner to the Albemarle?—If it is not in there, I must have forgotten.

"I went round to my chum's home and from there I went straight along Seaside." You had forgotten the bus, you had forgotten Blackmer, and you had forgotten that you stood outside the Archery Tavern?—I had not forgotten; I did not think it necessary to mention it.

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Jack A. Field

"I and my chum left his address, a corner house in the Longstone Road, at about five past two" Just follow this, because you will see how very closely you fix the times. Had you not considered very carefully the story you were going to tell?—No.

"We walked straight along Seaside Road, right past the Crumbles"—you repeat it again and there is no pause at the Archery, but that you walked straight along Seaside Road—"we walked straight along Seaside Road right past the Crumbles into Pevensey Bay. From there we went to the Castle. We sat down on the green inside the Castle wall for about fifteen minutes." Is that true?—That is true

"When a young lady passed us and I and my friend spoke to her." Is that true?—No

"She is a Miss Baxter and she is staying at Ravenhurst, St. John's Road, Eastbourne" That is not true; there was no girl there?—No.

"We all three sat down together till about 4 p.m." That is untrue?—Yes.

"We then all walked home together to Seaside Road. We came back the same way as we went, straight along the Seaside Road. We arrived at the Leaf Hall about 5 p.m. We all three went into a small Italian ice-cream shop called the Criterion and had an ice each" That was all to give colour to the story about meeting this girl there?—We only put in Miss Baxter's name Gray and I really did go into the ice-cream shop.

You put her in too?—We said that she did go in with us, but she did not.

And having gone in, you all three had ices?—We two—leave the young lady out, as she was not there

"We all three went into a small Italian ice-cream shop called the Criterion and had an ice each. I and my chum left the girl about ten past five" According to your story you had sat down at Pevensey until about four o'clock and then walked all the way back, and then you say you left the girl at ten minutes past five. Had you not agreed on this part of the story?—Not about the time I made a mistake about the time, that is all.

Had you not agreed about the time you were to meet her and the time you were to part from her?—Agreed with whom?

With Gray?—No.

Were you not both going to tell a story and give details to make it have the appearance of truth?—We were going to.

Gray had given a description of meeting the girl at Pevensey Castle, that he was surprised to see her as he did not know she was in Eastbourne, and that he introduced her to you on that day there, and you in your statement say: "We then all walked home together to Seaside Road. We came back the same way

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as we went, straight along the Seaside Road. We arrived at the Leaf Hall about 5 p.m. We all three went into a small Italian ice-cream shop called the Criterion and had an ice each. I and my chum left the girl about ten past five and my friend and I walked to his home. We both went into his home." When you got into his house, what did you do?—We played cards.

Nothing else?—No.

Did you have a wash?—No.

If he says in his statement that you had a wash, you do not remember that?—He had a wash; I did not.

"We sat down and had a game of cards until about quarter to six and then my friend's wife came in. I left him just after his wife came in and I went to my own home to tea." You have no doubt about that. You remember going to Gray's house; you remember Gray's wife coming in, and you remember that you left shortly afterwards?—Yes.

And that you went home to tea?—Yes.

So that if Gray said that in fact the two of you remained together in his house until ten past seven, that would not be right?—No

You go on. "I reached there just turned 6 p.m. After I had finished my tea I went round for my friend again. This would be about half-past six or a quarter to seven. I and my chum then went to the Hippodrome." You had forgotten entirely the visit to the Albemarle when you were treating the barmaids, and the conversation, and the cigarettes and having the Basses there—you had forgotten all about that?—I did not think it was necessary to mention that. I had the money to buy the stuff, and I knew where I had got the money from.

Had you also forgotten the conversation between the barmaid and Gray as to his changing his clothes?—Yes.

So that in accounting for your time you put it that you went round for your friend at 6-30 or 6-45, which would be the right time to go to the Hippodrome, and you say, "I and my chum then went to the Hippodrome. We arrived at the Hippodrome about seven o'clock. The play finished between 8-45 and nine, and from the Hippodrome we went to the Albemarle Public House on the corner of Seaside, opposite Caffin's Garage. We stayed there until ten. I spoke to some friends in there, one was a military policeman (now discharged) whom I knew as Bill, also a corporal still in the Grenadier Guards: his name is Corporal Thompson and he is at Summerdown Camp, Hut B 2. From there we went back into the Hippodrome again where an old friend of mine works; his name is Bert Cosham. The Hippodrome closed about quarter to eleven, and from there we all separated and I went home. I should think we parted about eleven o'clock. I

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did not go out again that night." I have read the whole of that to you in order to point out to you what you had left out as well as what you had said about your movements on that day. Had you and Gray discussed together the way in which you would tell this false story which would account for your time on Thursday, 19th August?—Not until the night we were arrested

The story of Miss Baxter and being with Miss Baxter, how long did you persist in that story? Do you remember your arrest in September?—Yes.

You and Gray were arrested about the same time?—Yes.

Did you say that the story you had told was a true one, and that Mr. Meicer was no man not to believe it. Did you say that when you were arrested?—No.

Did you hear what Gray said at the time of his arrest?—No.

When you were before the Magistrates, do you remember in September saying that the story you had told was a true one and if it was inquired into it would be found to be true?—I said something like that, yes.

Do I understand you to say that on 19th August Gray was wearing a blue suit and had been wearing it for some time before?—Yes, that is right.

I do not misunderstand you, do I?—No.

Why did you say, when spoken to by Inspector Wells, when he said, "I daresay you wonder why I have brought you here?" "We have been expecting this as we have been wearing grey suits"?—I said to Mr. Wells, "We have been expecting this as we both have got grey suits," not "wearing grey suits."

Do you remember meeting a witness who was called here, a man named Grayling?—No.

Do you remember the two of you going into a place called the Pier Hotel with a man named Grayling?—Yes

Did you say, speaking of the murder, "Yes, we were up that way but not with the same girl, the girl we were with has come forward and cleared us"?—That is what I said.

That was a lie, of course?—Yes.

Re-examined by Mr. CASSELS—Let us deal with the question of your contributions at home. You usually paid, I think you told us, a certain sum of money to your mother?—Yes, that is right, 15s.

You said you were supposed to make that contribution every week?—Yes, that is right.

Did you always do so?—Not always.

When did you usually pay it?—As soon as I drew the money on the Thursday.

Was your mother at home on Thursday, 19th August?—No.

Evidence for Accused Field.

Jack A. Field

You have seen the cap, Exhibit No. 10 [produced]. Were you wearing that cap on Thursday, 19th August?—No.

When you said that your expenditure on Thursday, 19th August, was exceptional, what did you mean by that?—I meant that on other Thursdays I used to give my mother 15s out of my money, but on that special Thursday my mother was not at home, so I had the 15s. besides.

Where was your mother, do you know?—In London

How long had she been away?—Since the Saturday previous.

Is your father at work up in London?—Yes.

It has been put against you with regard to your attempted enlistment that you did that after the announcement had been made in the papers. Had your reading of the newspaper on the Saturday morning anything to do with your attempt to enlist at Summerdown Camp?—No.

Can you tell us how Miss Baxter came to give you the name of White. Do you remember any incident while you were in her company which gave rise to that name?—Gray, Miss Baxter, and I were walking along the sea front and there was a company of black men—they were not exactly black, but they were dark men—who were acting in one of the theatres in Eastbourne. They were laughing and joking and causing rather a disturbance on the sea front, and Gray said to me, “If they are black men then thank goodness I’m white,” and therefore Miss Baxter could have mistaken what he said for his name being White instead of his colour.

By Mr. JUSTICE AVORY—When did you think of that?—I knew that at the time.

When did you think of that explanation?—I have had it in my mind all the time; I have been waiting to be asked why.

Re-examination continued by Mr. CASSELS—With regard to the statement that you made, it has been put to you that you deliberately left out certain incidents. Had you everything in your mind when you came to make that statement to Inspector Mercer on that day—could you remember everything that had occurred?—I could not remember everything.

There is one thing that I see you have not mentioned—the receipt of 29s. on that morning. You forgot that apparently?—Yes, I had absolutely forgotten that.

By Mr. JUSTICE AVORY—Did you hear Maud Baxter give evidence at the Inquest?—Yes.

Did you hear her say then that she had met you on the Thursday night, the 19th?—I did.

Why did you not contradict that either by making a statement or giving evidence that it was untrue?—Because I was

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told by my solicitor that the best thing to do would be to reserve my defence until the trial.

Will you repeat that?—Or rather Gray was told—Gray had a wife to say that it was best to reserve the defence.

Had you on Thursday, 19th August, pushed Gray into the water?—No

Nothing of the kind had happened?—No, that was only an explanation of trying to pass off why he looked dirty

You heard him give that explanation?—Yes.

Did he look dirty?—Yes.

That was between six and half-past in the evening?—That is right

That is the time you were at the Albemarle—between six and half-past?—I will not say the time; I am not sure of the time; it may have been later

Mr GILL—It must have been about half-past six because Miss Ducker goes to the Hippodrome at ten minutes to seven, and they are in the bar fifteen or twenty minutes before she goes

Mr JUSTICE AVORY—I think the evidence was that they left the Albemarle about 6-30.

Mr GILL—No, my lord, they came to the Albemarle about 6-30 and left about ten to seven.

By Mr JUSTICE AVORY—I did not want to put any wrong time. It was my mistake [To witness] It was at the Albemarle when you were there some time between six and seven that that observation was made by Gray?—That is right

I want you to explain, if you can, how you reconcile that with your statement that Gray had brushed his clothes, cleaned himself up, and cleaned his boots before going to the Albemarle?—I also said that he did not exactly look respectable, because a blue serge suit when it once gets dirty or dusty, no matter how you brush it, you cannot make it look smart again.

Yes, but he had been in the same blue suit earlier in the day at the Albemarle, according to you?—That is right.

How did it look worse at seven o'clock in the evening?—Because Miss Ducker was behind the bar in the dinner hour, and therefore she could not get a decent view of Gray; in the evening she was outside of the bar—on our side of the bar—standing there waiting to go to the Hippodrome.

Your expression was that he had smartened himself up?—He had tried to

Brushing his clothes, washing himself, and cleaning his boots, you said. Have you ever been on the Crumbles?—Yes.

Often?—Not very often.

You mean for a walk?—That is right.

Evidence for Accused Field.

Jack A. Field

Have you ever walked by the Crumbles to Pevensey?—Yes.

By yourself, or has anybody been with you?—I have been with other friends.

Has Gray been with you?—Not to Pevensey along the Crumbles. Gray has never been on the Crumbles with me.

MR. JUSTICE AVORY—That is all. Is there any other evidence?

MR. CASSELS—No, my lord.

SIR EDWARD MARSHALL HALL—I do not call my evidence, my lord.

Closing Speech for the Prosecution.

MR. GILL, addressing the Court, said he contended that the evidence had strongly corroborated the view put forward by the Crown. The dead girl came to Eastbourne on 16th August with a few paltiy belongings—things of no value at all. She spent her time in the open, as could be expected, and he suggested that in that way she came into contact with the two accused. She made their acquaintance, apparently, on the Wednesday. They took the opportunity to speak to her in such a way as to induce her to walk with them, and they made themselves agreeable. She said in her letter to her mother that she went to Pevensey on the Wednesday.

Counsel then dealt with the suggestion of the defence that the murder was committed on the Thursday night, and that therefore the accused could not have been the murderers. There was overwhelming evidence, he declared, that the deceased was seen walking with two men towards the Crumbles at 2-30 that afternoon, and if she had not been murdered during the afternoon she would have returned to her lodgings. The incident of the stick with the dog's head was an amazing piece of evidence. Before anything was known about the stick, a witness was describing to the police one of the men whom he saw walking with the girl, and said that he carried a yellow-coloured stick that appeared to have a dog's head on it. Later a walking-stick answering the description was found at Field's house. Moreover, the witness who gave that description knew nothing of the production of the stick in the Albemarle earlier the same afternoon.

Mr. Gill then pictured to the jury the scene which he suggested occurred at the Crumbles. Whether the men wanted the girl's money or whether they made a suggestion to her no one could say. Something led to violence, and, the young woman being stunned or dazed, she was silenced for ever, and silenced by a weapon which lay ready to hand. Counsel pointed to the large stone

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which had figured so much in the case, and said that with that she had suffered smashing, bruising injuries. How was it done? Gray said it was done by dropping a stone on her. "The prosecution is right," said counsel; "he knows."

It was extraordinary, said Mr. Gill, that that evening should be the time when those two men were most anxious to get rid of money. He suggested that the witness Baxter's mind was being prepared to say that the accused were not with Irene Munro but with her. But before they had carefully considered the details they were detained, because Wells had pointed them out. The evidence with regard to Gray's statement to Smith was very remarkable. Gray had said that he "was with the girl almost up till the moment of her death, but that did not mean that he had done it" Smith's evidence could not be invention. It certainly deserved close criticism, but it would not be well to ignore it.

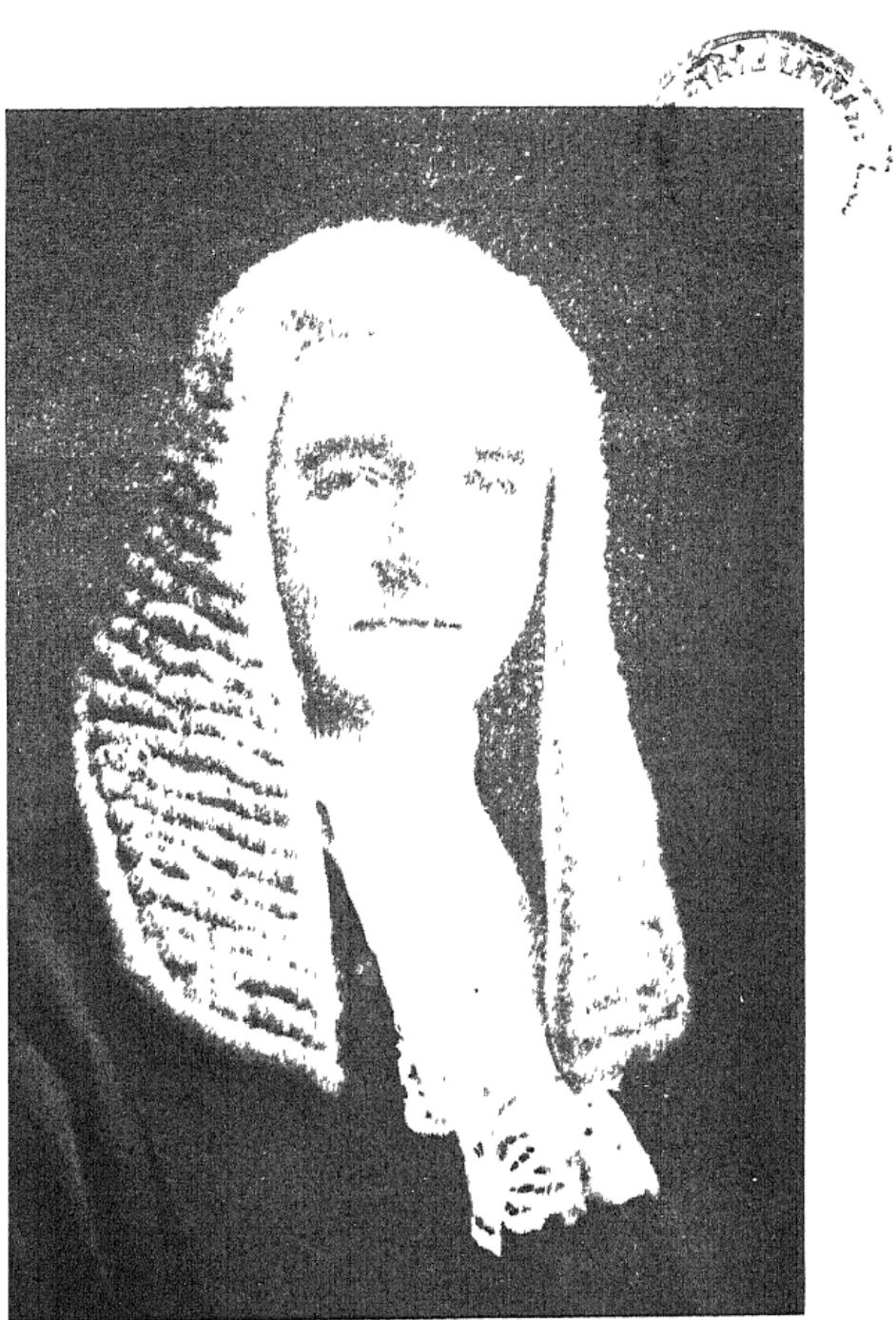
Speech for the Accused Field.

Mr CASSELS, addressing the jury on behalf of Field, declared that the case against the accused rested entirely on circumstantial evidence, composed of the evidence of witnesses which purported to identify one of the three persons concerned—the two accused and Irene Munro. The men at the railway-hut had not identified either of the two men. The witness Blackmer said Irene Munro wore a blue costume when she spoke to the two men. The mathematical correctness of a witness's statement must be taken from the start to the finish, and when Blackmer said the girl crossing the road wore a blue dress the defence were entitled to ask the jury whether they could accept such a statement. Putland, he pointed out, put the girl into a green coat, with black hat, black shoes, and black stockings. He was accompanied by Wells, who put her into a transparent-rimmed hat, a hat which was quite clearly not the girl's hat when the body was found.

At this stage Mr. Justice Avory interrupted Mr. Cassels, pointing out that it was not stated by the witness that the particular hat produced was the hat worn by the dead girl.

Mr. Cassels said the witness declared that it was a hat similar to the one she was wearing. He alluded to the statement of the witness that she was wearing a checked skirt and a black blouse, and asked, were the jury to take impressions of witnesses in such a matter?

Continuing, Mr. Cassels said it was difficult to conceive that the crime could have been done in broad daylight, in view of the windows of several cottages, and in view of the railway-hut, and that the body could then have been covered with shingle.



Mr. J. D. Cassels

(A photograph later than the time of the trial)

Closing Speech for Field.

Mr Cassels

If they accepted Dr. Cadman's evidence of the length of time the girl was dead, there was an end to the case for the prosecution. The theory of the prosecution was that the girl was killed in resisting outrage, but in that case there would have been injury indicating signs of a struggle. Dr. Cadman had said he took careful note of the position of the body and found no signs of a struggle. So away went that theory. It was suggested that Gray might have had a pound or two that came from the purse of Irene Munro. If they added up the expenditure of these two men on the evening of 19th August they could not get beyond 25s. That was supposed to be an extravagant expenditure of money, indicating robbery with murder.

Dealing with the accused's effort to enlist, counsel asked, "Is it to be supposed that men crafty enough to lure a girl like Irene Munro to the Crumbles and murder her should have facilitated capture by enlisting in the Army locally?" He submitted, in conclusion, that there was not a shred of evidence that the accused invited Miss Baxter to support them in a false alibi. As to their statements to the police, was it right to say that where they agreed they had been deliberately concocting, and where they disagreed they were deliberately lying? The men, he pointed out, remained in the town after they had been released from detention. They never altered their mode of living after 19th August and their conduct was more consistent with innocence than with guilt. Nobody saw the men coming from the Crumbles, and if they could be seen going to the place by daylight they could be seen coming back. Mr. Cassels suggested that the murder took place later in the day than was said to have been the case by the prosecution.

Speech for the Accused Gray.

Sir EDWARD MARSHALL HALL then addressed the jury on behalf of Gray. He said he thought the jury would do him and Mr. Cassels the credit of saying that not one word had fallen from them which would cast a slur on the memory of Miss Irene Munro or increase the pain and sorrow of her unfortunate mother. On the contrary their case was that she was a girl fond of pleasure, fond of going out to the theatre, to dinner and to dances, but that she was particular, ladylike in her appearance, and educated. They accentuated that, because it was incredible that such a girl as Irene Munro should have "picked up" with two out-of-work men of the type of the accused.

Referring to the medical evidence as to the time of the girl's

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death, Sir Edward submitted that Dr. Elworthy's evidence had no value unless Dr. Cadman's observations were correct, because his deductions were based upon Dr. Cadman's observations. Dr. Cadman's opinion that death did not occur before 11 p.m. was therefore entitled to their most careful consideration.

The Court adjourned.

Speech for the Accused Gray Continued.

Sir EDWARD MARSHALL HALL, resuming his address to the jury, said that on the Crumbles there was a wide expanse of shingle, a gang of men working, and couples and other people walking about. It was a place where sound would travel for great distances. If the poor girl was struck in the face by someone, there must have been a scream, but there was no word of anyone having heard anything. The prosecution also suggested that her face was then smashed with a brick. Surely, then, there must have been some awful scream of terror or apprehension. Assuming that she was insensible, she had to be buried in 6 or 8 ins. of shingle, and a mass of shingle moving about in such large quantities must have been heard. Surely the almost irresistible inference to be drawn was that this crime was done under cover of darkness. They got absolute collaboration from the evidence of Dr Cadman, who was of opinion that death could not have occurred before 11 p.m. on 19th August.

What was the motive for this crime? Gray was alleged to have said in the Albemarle Hotel at noon that they would have some more money before night. The inference seemed to be that they had made up their minds to rob or murder the girl they had met the day before. But robbery could not have been their motive; Irene Munro was by no means a woman worth robbing. There was no sign of violence of a sexual kind. No theory was put forward. As a matter of fact, the prosecution was on the point of putting forward a theory, but the jury had to form some rational theory in their own minds.

Because people swore they had seen two men in the company of a girl found dead on the Crumbles, the jury could not say, "We are going to find that this girl was murdered by these two men." There was no suggestion that one held her while the other killed her. They were put forward as having done it together. What was the evidence of any generally concerted action? There was no evidence of any premeditation. Surely, therefore, they would expect that the two men in deadly terror of their lives would adopt some line of defence that would tend to reduce the crime or exculpate one of them. No such defence was put forward. The crime was joint and the evidence was joint.

If the trio who passed the railway-hut on the afternoon of 19th August were the two accused and the dead girl, he agreed

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that there was a very strong case against the men in the dock. But were the jury satisfied on that point?

Sir Edward proceeded to deal with the evidence of identification, and pointed out features in which he suggested witnesses contradicted each other. Referring to Mr. Cassels's comment about the non-transparent brim of the hat which the dead girl was wearing, he asked if it was not possible that the witness Wells, who not only swore to the transparency of the brim of the hat, but relied on it as a means of identification, was mixing up this girl and some other girl he had seen. The police were looking for two men dressed in grey herring-bone suits. Field was in fact wearing such a suit. The jury knew how common that kind of cloth was. But the railway-men stated that one of the men who went with the girl to the Crumbles had on a dark blue suit, while the two barmaids at the Albemarle were particularly certain that Gray had on a dark grey suit.

Speaking of the interest which the case excited at Eastbourne and in the neighbourhood, Sir Edward held up a copy of the special edition of a newspaper and exclaimed, "It is deplorable, and I am sure his lordship will agree with me, that newspapers should of late have arrogated to themselves the functions of detective officers, instead of rendering their valuable aid in assisting the apprehension of people. Very often they defeat that object by making statements which are dangerously near contempt of Court."*

Referring to the absence of Gray from the witness-box, Sir Edward said, "If you had had Gray in the witness-box, what position would you be in? If you call Field, there is no necessity for calling Gray. If you do not believe Field, you are not likely to believe Gray. If he told the same story, it would be said at once that he heard every word of it, and that what he was saying was merely parrot-like repetition of what Field had said. Gray had admittedly said things which Field himself has stated are false. Therefore no good purpose could possibly be served in calling him as a witness when this is a joint charge."

The crime was one which made people shudder, and the mere recapitulation of the facts made them so angry that they could scarcely keep themselves from trying to get hold of the persons who committed the murder. Mr. Gill had put forward what he considered a completed puzzle. If he had succeeded in so piecing together this puzzle that the jury were satisfied no piece was out of place and that the puzzle lay before them intact, then, whatever the consequences of their verdict, it was their duty to say these men were guilty. But if there was one of them who could say, "I cannot accept this evidence as conclusive," then the accused were entitled to a verdict of "Not guilty."

* See Appendix VIII.

Charge to the Jury.

Charge to the Jury.

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Mr. JUSTICE AVORY—Gentlemen of the jury, it is unnecessary that I should repeat the warning which has been already given to you that your judgment in this case must be founded upon the evidence which has been given upon oath before you in this Court, without regard to anything which you may have heard spoken or anything you may have seen written or printed before you came into that box. I regret that such a warning in a Criminal Court of this country should be rendered necessary by the pernicious practice which prevails of pandering to the prurient proclivities of the public by publishing pictorially and otherwise the lurid details of a ghastly tragedy such as that which we are now investigating.

I concur in the observations which have been made by the learned counsel, Sir Edward Marshall Hall, when he commented upon what appeared in this newspaper on Monday, 23rd August.* He was right when he said that what appeared in that newspaper of 23rd August approached to a contempt of Court. I do not stop to express an opinion as to whether it did not merely approach but reach the point of being an actual contempt of Court as calculated to prejudice the minds of persons who might afterwards have to adjudicate upon this case. I say no more upon that subject for I am confident that you are alive to your responsibility, which is to discard altogether from your consideration everything but the sworn evidence which is now before you.

These men are charged with the wilful murder of Irene Munro on 19th August last. They are jointly charged. That does not mean that each of them with his own hand inflicted some injury upon her of which she died. It means that they were acting together; that is if one killed her by violence, the other was a party to it, either aiding and abetting or counselling and procuring the commission of the crime; and if they were acting together, the one aiding and abetting the other, it is immaterial whether one or both struck any blow which in fact caused her death.

Have you any doubt, after listening to the evidence, that the girl was in fact murdered by some person or persons either on the afternoon or in the night of 19th August? Have you any doubt that the person or persons who committed that crime possessed themselves of her handbag containing what money she had, and her bunch of keys, and that that person or persons threw away the bunch of keys at a spot which would be in the direction that anyone would take coming from the hole where the body was found towards Eastbourne? It is not suggested that the offence which was committed can be anything less than murder, and having regard to the line adopted by the able and learned

* See Appendix VIII.

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counsel who appear for these prisoners, you must ask yourselves this further question. can you have any doubt if one of them is guilty that both are guilty? It is admitted that they were in each other's company the whole of that afternoon and evening. Where one went the other went; what one did must have been known to the other; and, especially having regard to the evidence which has been given by one of them, you must say whether you can doubt if guilt is brought home to one it is not equally brought home to both. The motive for the crime in this case appears to me, subject to your better judgment, to be immaterial. Whoever committed the crime did it from some motive, whether it was for the purpose of robbery on a supposition that the poor girl had perhaps more money in that bag than in fact there was, or whether it was in pursuance of some intended outrage upon her, which was defeated by her physical condition, and possibly by her resistance—of which there is slight evidence, namely, the scratches which were found on the inside of her right thigh. It is not necessary in this case that you should reproduce the scene which culminated in her death, for, whatever the motive was, as I have already said, can you doubt that she was in fact murdered? Whether it was by a blow given by some instrument, or with the fist which stunned her in the first instance, and that the brick was subsequently used to complete her destruction so that she should not live to give evidence against those who had assaulted her, is not material. It is not necessary to decide whether a stick was in fact used, or whether this brick weighing 33 lbs caused all the injuries that were found upon her head. The only way in which any question of the stick becomes material is that the prisoner Field denies having had either that stick which is produced or any other stick in his possession that afternoon, and if you come to the conclusion upon the evidence that in fact he had that stick or any other stick in his possession as he walked towards the Crumbles, you must consider what is the inference to be drawn from the fact of his denying it. Some time has been occupied in this case in proving that the prisoners or, certainly one of them, Field, was after six o'clock in the evening spending money freely. Having regard to the fact that it is now not disputed that he had drawn 29s. for unemployment pay on that morning, I should, subject again to your better judgment, recommend you not to pay much attention to the question of the money which was spent on that evening by Field. Of course it is true, as the prosecution have suggested, that if the prisoners were the men who committed this crime and robbed the girl of her bag and her money, they would be in possession of more money on that evening. On the other hand, the money that was spent is not more than might have been in the possession of Field without either of them having

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possessed themselves of the money which was in the girl's bag. For that reason it appears to me to be a small matter. There are so many other more important matters in this case that I suggest you do not devote much attention to it.

Now, gentlemen, passing from those two questions which have occupied some time during the trial of this case, the motive for which the crime was committed and the actual manner in which it was committed, it leads me to make this observation to you before I come to deal with the facts. The only direction in law which it is necessary I should give to you in this case is that you are to act on the well-established principle which has been properly explained to you by both the learned counsel, namely, that you are, having considered the evidence, entitled only to find the prisoners guilty if you are satisfied beyond any reasonable doubt that the evidence has established that guilt. That does not mean that you are to conjure up any fanciful doubt for the mere purpose of shirking your responsibility. It means that having considered the evidence and the arguments for and against the accused, your duty is to find them guilty if you come to the conclusion that that evidence is inconsistent with their innocence. If you come to the conclusion honestly that it is consistent with their innocence, then of course your duty is to find them not guilty.

Gentlemen, this case is essentially one which must be considered as a whole. It is a case of what is called in law circumstantial evidence. It is none the less reliable on that account, for circumstantial evidence is often more reliable than what is called direct evidence. I will give you an illustration of what I mean. It has been said by one of the learned counsel that this spot where the murder was committed is within view of six windows at least of cottages. Suppose a witness had been called from one of those cottages to say that he or she saw the prisoners assaulting a girl at that spot, that would be what is called direct evidence. But it might turn out that that witness suffered from defective eyesight, or it might turn out that the witness was a person of bad character whose credibility therefore could not be relied upon, or it might turn out that that witness had some grudge or spite against the prisoners or one of them, and in such a case you would properly be asked not to rely upon the evidence of a witness who actually swore that he or she saw the crime committed. But it has been truly and forcibly said that circumstances cannot lie, and when you find a body of evidence coming from the mouths of independent witnesses all pointing in one direction and leading to one conclusion, and you find that it is obvious those witnesses cannot have arranged among themselves to tell a false story, then you may be drawn irresistibly to a conclusion which admits of no reasonable doubt whatever. That is the

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meaning of circumstantial evidence, and this case is essentially one of that character. Let me give you another illustration of what I mean. A great deal of argument has been properly addressed to you on the medical evidence in this case which it is said points to, or at least is consistent with, the fact of this murder having been committed about eleven o'clock at night on 19th August. If the only evidence as to the time at which it was committed were that of the medical men, and you found by the other evidence in the case that it was impossible that the prisoners could have been at that spot at eleven o'clock at night, of course your duty would be plain. You would say that the Crown had not established the case against them. But the question whether the murder was committed at eleven o'clock at night does not depend solely upon the medical evidence in this case. Before you can come to a conclusion as to the time at which it was in fact committed, you must consider all the other evidence in the case as to the movements of the deceased girl on that afternoon and the movements of the prisoners on that afternoon. It is true that Dr. Cadman, the doctor who was called to the spot and who arrived there somewhere about 10-30 to eleven o'clock on the night of the 20th, formed an opinion at the time that the body had probably been dead at the most for twenty-four hours. He formed that opinion as the result of an examination made by the aid of a lamp under circumstances probably the least favourable for scientific observation. Having formed that opinion, he has adhered to it; but he says quite frankly that having regard to everything he now knows, everything that he saw and found is consistent with the death having taken place between three and five o'clock on the afternoon of 19th August. The result of the medical evidence—I am not going through it in detail—is that it is all consistent, everything is consistent, with the death having taken place on the afternoon of the 19th. I only make one observation, in consequence of an argument that was addressed to you just now by the learned counsel appearing for Gray. Dr. Cadman said that he formed that conclusion from the fact that when the body was moved on the night blood oozed from the nostril and that if it had been dead more than twenty-four hours he would not have expected blood to ooze from the nostrils. You have heard what the other medical men say. First of all they say it is possible that he mistook what is called serum tinged with blood for blood. It is for you to say whether it is not at least possible that with the light of a lamp in those circumstances, if it was serum tinged with blood, Dr. Cadman may not honestly have thought it was actual blood. But, further, your attention was called by the learned counsel to the evidence of Dr. Elworthy. He says he made a re-examination on 25th August and that on moving the

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head or the body on that occasion blood oozed from the nostrils. Whether it may have been the result of the previous post-mortem or whether, as Dr Elwoithy said, when injury has been inflicted on the head that means that there is an extravasation of blood on the brain, and under those circumstances it is not uncommon to find blood oozing from the nostril even after a longer space of time than twenty-four hours, the result is that the medical evidence is consistent with the death having taken place on the afternoon of the 19th.

You have to consider whether the rest of the evidence in the case does not satisfy you that death did in fact take place on that afternoon between three and five o'clock, and I suggest to you that you should ask yourselves this question to assist you in determining whether it took place in the afternoon or in the night: Why did the prisoners on 24th August—that is the Tuesday after—arrange between themselves to set up a false alibi as to the afternoon of Thursday, 19th August, unless they knew that the murder had in fact been committed in the afternoon?

The learned counsel, Sir Edward Maishall Hall, in addressing you on behalf of Gray, has called attention to what had appeared in this newspaper on Monday, 23rd August. He says that that which appeared in the paper is the explanation of the alarm from which the prisoners were suffering on the following day, the Tuesday, and is the explanation of their being afraid that they might be suspected because they had been wearing grey clothes. Now, if that is where they got their information from which led to that state of mind on Tuesday, the 24th, it is significant that this newspaper in more than one place suggests that the crime had been committed at night time and not in the afternoon. In one passage it says: "She left her lodgings in the Seaside on the Thursday afternoon and did not return. She was murdered that night and her body discovered the following afternoon." In another place it says. "It is unlikely that the crime was committed until night." In another place it says. "The terrible crime was in all probability committed under the cover of darkness when the Crumbles would be a dreary deserted waste of beach." Gentlemen, if this was the source of information which led them on the Tuesday to be preparing a false alibi, how comes it that they were preparing between themselves, as Field, the prisoner, has told you, on that day when they were taken to the police station, a false alibi as to the afternoon, unless it be, as I have suggested to you, that they knew that the crime was committed in the afternoon?

Now, gentlemen, before I, as I am afraid I must in this case, trouble you by referring to the evidence of those witnesses who speak to the movements of the deceased girl and the prisoners, let me remind you of what is the general outline of the case

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which is presented by the prosecution, and the general outline of the answer presented to you by the defence. The prosecution suggest that on this afternoon of 19th August the two prisoners met the deceased girl either by appointment or by accident, more probably if their theory is right I should think you would come to the conclusion that it was by appointment; that having met her they walked with her to this lonely spot, and that from whatever motive, whether it was the gratification of a lustful passion, or robbery, or both; that having silenced her effectively so that she could never give evidence against them they returned, one of them changed his clothes—for some reason which you may well imagine—and that as soon as public notice appeared that the body had been found they immediately went off and tried to enlist. It is said by the learned counsel for the defence that that is a most unlikely thing for a guilty man to do, because it would entail his giving particulars of himself which would lead to his identification. It is for you to say whether you follow that argument. You probably have heard of men enlisting under false names before now and giving false addresses and false descriptions of their antecedents. A great many men would never have been accepted in the army if they had not done so. The prosecution say that having failed at that moment owing to the absence of the recruiting sergeant at Summerdown Camp to enlist there, they changed their minds and determined to run the risk of being identified and discovered.

Now, the general nature of the answer that is put forward by the defence is that the prisoners, although they were out that afternoon in that direction, going towards that very spot where the body was found, never went to that spot, never went on to the Crumbles at all, but walked by the road all the way to Pevensey Bay, and so on to Pevensey Castle; that they were never that afternoon—I am talking of their case as presented to you now, I shall have a word to say about the case which they did present on a former occasion—they say that they were never with any girl or woman that afternoon at all: never in the company of any girl or woman, and they say that Gray never changed his clothes at all that afternoon; and it is suggested on their behalf that from that moment they pursued their ordinary mode of living, from which you ought to infer that they had no guilty conscience; it is said that it is incredible that a man or men who had committed a murder could be behaving as these men were in Eastbourne after that date. It is said that it is incredible that men who had committed such a crime could be found in the evening of the same day entering into conversation with a servant-maid and making arrangements to meet her again. These arguments are addressed to you as men of the world, and it is for you to say as men of the world whether you feel the

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force of those arguments. It is for you to consider if a man or two men were capable of committing such a crime as this, what there is that they are not capable of. Is it surprising, if they are capable of such a crime, to find that they are capable of going about allowing themselves to be seen on the Front at a time when they had no idea that there was any suspicion attaching to them?

Bearing in mind the general nature of the case on the one side and on the other, ask yourselves these three questions: does the evidence satisfy you that the deceased girl was in fact out that afternoon with two men going towards the Crumbles—going towards the spot where the body was found? Next ask yourselves, were the two prisoners here out that afternoon with a girl going towards the Crumbles? If you answer those two questions both in the affirmative, if you are satisfied that the deceased girl was in fact out with two men, and that the two prisoners were out with some girl that afternoon going towards the Crumbles, then, having regard to their first story which they put forward, that they were with Maud Baxter at Pevensey, and to their second story which they now put forward that they were not with any girl at all that afternoon, ask yourselves what is the natural and necessary inference to be drawn?

With those preliminary observations I now find it necessary to remind you of the evidence which has been given tracing the movements of the girl and of the two prisoners. I am not going to read it to you in detail; I am only going to call your attention to the leading points which appear to be established. You begin with the evidence at the Albemarle Hotel of the barmaid, Ducker, who says that the two prisoners were there at that house in the morning at their usual time between twelve and one: that Gray was wearing a grey suit and a trilby hat and Field was wearing a dark suit and a cap, which she called a dark cap, and brown shoes, and that she had never seen Gray, the prisoner, in anything different up to that date: she knew him as a man in a grey suit: that while they were in the house on that day between twelve and one the conversation took place about the biscuit and the dog, and that Gray held up the stick which has been produced in Court, or one like it with a dog's head upon it. Field admits that that is a stick which he had sometimes carried. It is not unimportant to note that he says it belonged to his father and not to him. I make that observation because it has been suggested that if he had that stick on that afternoon and if it had had anything to do with the murder the natural thing for him to do would have been to throw it away or get rid of it. But if, in fact, it belonged to his father, the fact of his throwing it away might have led to inquiry, for his father might have asked where it was and the fact of his having got rid of it might in itself

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have been suspicious. They came again to the house about two o'clock and they left about 2-30, at closing time. They returned together about 6-30—one of the barmaids says at 6-20—and when they returned this witness, Ducker, said to Gray "How dirty you look, Billy," and he said, "Yes, my friend pushed me in the water this afternoon when I was on the beach and I could not get my clothes dry by six o'clock." Miss Ducker swears that he then had on a different suit, a dark suit, a dark cap, and dirty boots, and she swears beyond any doubt whatever that he had in fact changed his clothes. Further, when she is cross-examined she says that his boots in the evening looked as if they had been wet and had got sand or gravel or dirt from the pebbles of the beach on them—as if he had been on the beach and had got his boots wet. The other barmaid confirms all that evidence. She says that they left the house about 2-30 and returned at 6-20. Both of these witnesses say that after that date they missed them. It is important you should note this when it is said that they were following their ordinary mode of life after that Thursday. Both of these witnesses missed them from the house although they had been in the habit of frequenting it as a daily occurrence. One of them says it was the Thursday after that she saw them again, outside the house. The other one says that when they came in on the 26th, which was the Thursday after, "I realized that they had been missing for four or five days—they had not been to the house."

We come now to the evidence of the omnibus conductor, Blackmer, who is undoubtedly an important witness. He arrived at the Archery Tavern that afternoon at about 2-45: he saw the two prisoners on the omnibus: he saw them get off: he spoke to them, and as he left them and was proceeding to the dépôt he saw a girl come across the road and go up to the prisoners and he heard her say, "Hello, Jack." He says that the girl had on a black hat, a blue dress, and was carrying a handbag. This leads me to make an observation about the dress of this girl, and about the evidence of various witnesses that has been very properly criticized, one of whom has described the dress he saw as a check dress. Another describes the dress he saw as a blue dress, and the dress which in fact has been produced in Court has been called a grey dress: and the learned counsel this morning has made many observations on the hat which was found on the body of the deceased and the second hat which is produced and which undoubtedly belonged to her. You must consider, looking at the evidence of all these witnesses who spoke of the clothes worn by the prisoners, or the clothes worn by the girl who was seen, whether you think it is safe to rely upon the description given by a man of that class of the dress of a girl whom he sees quite casually. This witness Blackmer, for instance, speaks

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of a blue dress. Is that inconsistent with its having been the deceased girl with that dress which is properly called grey? How many different kinds of grey are there? How many people are there who know the difference between the different shades of grey and the proper names to call them? How many people are there—do you think the ordinary men of the stamp we are dealing with here would be able to do so—who could tell you what the colour of the wall of the Court here is? It is quite true you may take it that there is no further identification by Blackmer of the deceased, except that he did afterwards pick out on that sheet of photographs the portrait of this deceased girl, Irene Munro, and that identification of the portrait no doubt is subject to the observation which has been made upon it, that the witnesses may have seen the newspaper with the picture in it. But there is the fact that he speaks to a girl with a black hat carrying a handbag. Have you any doubt that she was speaking to the prisoners? Learned counsel for Gray says, "Oh, she may have been speaking to somebody else whose name was Jack." But no question was put to Blackmer when he was in the box as to whether there was another man standing close by them, or whether there were two other men standing close by them. That was not suggested. Blackmer swears that the girl was actually going towards them. I asked him how near she had got to them and he said she was within a yard or so going towards them when she addressed this observation, "Hullo, Jack." You must consider whether you have any doubt that some girl in a black hat and carrying a handbag did in fact go up and speak to the two prisoners at that point by the Archery Tavern.

The next witness is Rogers, the builder, who says that about three o'clock—these men are only judging by the time they had been at work after dinner—he saw the deceased girl come out from the house 393 Seaside and go towards the Archery. You know by the plan it is only just across the road to go from her house to the Archery Tavern. He says he saw her go out towards the Archery, having no coat on, and that in a few minutes she returned, went into the house, and came out wearing a green coat like that which is now produced. Have you any doubt from his evidence that that was the deceased girl who came out of the house somewhere about three o'clock, went across to the Archery, came back to the house, fetched her coat, and went out with that green coat on, and having got the coat on went back again towards the Archery?

Next is the evidence of Verrall, the man who was on the ladder at the side of the house, who saw her and knew her as the tenant going in and out of the house. He says she left the house and went towards the Archery. In a few minutes, he being on the ladder at the side, she returned with two men, and he

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says, "I saw them"—that is, the girl and the two men—"going away in the direction of the Crumbles. She was laughing. I saw that the men had grey suits." There again he speaks of the two men having grey suits. He does not say that they were both in light grey suits. He merely says they were both in grey suits. You have evidence produced that Gray, the prisoner, undoubtedly had a grey suit—what you would call a light grey suit. You have evidence that Field had a suit which might be called dark grey, which some people would call a dark suit, and which the witness who produced it—the police officer—said was a dark grey, so dark that by the artificial light it looked as if it might be almost black, and dark grey trousers.

So far we have got to this. There is the deceased girl positively identified leaving the house and going away with two men towards the Crumbles. Were those two men the prisoners?

The next witness is Dyer who had known Gray for twelve months. He says that on that day he was working opposite St Andrew's Church—that is a little farther along, going towards the Crumbles—and that between 2-30 and three o'clock he saw the prisoner Gray and another man go by with a young lady towards the Crumbles. He says "They were walking in a row together, Gray being nearest to me." That is his evidence. Do you doubt that he has properly identified the prisoner Gray as being one of the two men who at that time were walking towards the Crumbles with a girl, and if Gray was in fact with another man walking with a girl towards the Crumbles, can you doubt that the other man was Field—the man who has been vouched as being with him the whole of that afternoon? If Gray and Field, the two prisoners, were in fact walking with a girl towards the Crumbles at that time, about three o'clock, why is it, unless it was the deceased girl they were walking with, that they—or rather one of them—is now swearing that they were never in the company of any girl at all on that afternoon? The next witness does not carry it any further. He is the bricklayer's labourer who was working with Dyer. All he says is that Dyer spoke to him and no doubt called his attention to them. It only confirms Dyer in this sense that it shows that Dyer's attention was directed to, and concentrated on, Gray for some reason and he called the attention of his fellow-workman, Jupp, to them, and when Dyer called Jupp's attention to them he saw two young gentlemen and a young lady, as he said, going towards the Crumbles. So far I am suggesting to you that you have evidence which you may well rely upon, apparently, that the two prisoners were in fact about that time, three o'clock, seen walking with a girl towards the Crumbles, and again I ask you to consider was that girl the deceased?

Now we come to the evidence of Putland, the sailor. He says

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that on 17th August he was on the beach near the aeroplane shed and he saw a girl lying down on the beach; she had a green coat on like that which has been produced. He said later that on that occasion he saw her face, she was within about 10 yards of him, and it is for you to consider having regard to the photographs which have been produced of this girl whether she had not a face which would attract attention, a face with striking features, dark eyes, and one certainly prominent feature, her teeth, which more than one witness has spoken of. Putland saw her face on that Tuesday when she was on the beach. On the next day, Wednesday, 18th August, at three o'clock in the afternoon, he saw the same young lady in the company of two men walking towards the Crumbles. Have you any doubt that it was the deceased girl that he saw? You have this curious confirmation of it that in the letter which she wrote to her mother on the next day, the Thursday, the day when she met her death, she says, "Yesterday," that would be Wednesday, "I went to Pevensey Bay—walked there and back." Putland proceeds: on 19th August, in the afternoon, he was out with his friend, Wells, and he saw the same girl and the same two men about 2-45 coming towards them—that is coming from the Archery towards where they were standing at the corner of the road where Putland lives. He saw them coming towards them, so that he had the opportunity of seeing the faces of the girl and of the men, and he says those were the same two men. Without professing to have known them before, he says that he had seen those two men with the girl on the Wednesday, and he recognized the same two men as being with her on the Thursday. He and Wells followed them. Wells, you remember, was standing at the top of the road while Putland went to put his bicycle away, and these three people, whoever they were, passed close by Wells as he stood there, and when Putland rejoined Wells they were about 20 yards in front of them. Putland and Wells followed them as far as the place where the railway cuts across the cinder track. They walked along the road and so by the cinder track and saw these three people get on to the Crumbles, either by getting over the fence or under the fence, and they both of them say that as these three people got on to the Crumbles, over or under the fence, Putland and Wells passed by the side of them going up the road and were then close to them. When they got as far as where the railway crosses the cinder track, Wells and Putland turned back, and Putland says that they turned back because one of the two men who was with the girl had a stick and that Wells did not like the look of the stick. Now, gentlemen, a good deal has been said about this conduct on the part of Putland and Wells in following these people. At one time it looked as if it were going to be suggested that Putland was a discreditable witness on the

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ground that he had some idea of blackmailing these people. That suggestion was entirely withdrawn, and you must take it that no such suggestion is now made by counsel for the defence against Putland or Wells. But it was said, none the less, that their conduct was extraordinary, so extraordinary that you ought not to believe the evidence of these two men. Well, again, you must use your knowledge of the world and say whether there is anything so very extraordinary in it—possibly all to be explained by the fact that Putland or Wells, or both of them, are a little prurient minded and anticipated that they would see something which they ought not to see and were not intended to see, and that Putland, having seen the same two men and the same girl the day before going towards the Crumbles, which was known of course to be a deserted spot, thought they might see something which would be entertaining to a prurient-minded person. You have seen them in the box. It is for you to say, whatever their motive was, whether you can doubt that they are speaking the truth as to what they did see. Putland tells you as to these two men that one of them had on a cap—like that light cap which has been produced—and he says it was being worn by the shorter of the two men, pulled down on the back of his head and the peak well over in front—and Putland in the witness-box put the cap on to show how it was being worn. No doubt you noticed it. Did you observe when Field was in the witness-box and was asked to put the cap on, how he put it on? Did you notice how he pulled it down at the back and pulled the peak well over in front? Putland says that the next day, the 20th, he saw those same two men in Victoria Place, Eastbourne, talking to some girl or girls, and he immediately called the attention of his companion, a man named Piper. Now, you have this corroboration of Putland's evidence in the fact that Field in the witness-box admits that on the Friday at about that same time he and Gray were talking to some girls in Victoria Place. Putland says, "Those are the same two men I recognized on that day and those are the two men whom I saw with the girl on the Wednesday and on the Thursday," and he identifies Field now in Court as the man whom he saw with the cap and the stick. You remember Putland joined his ship on Monday, 23rd August. He says he read the account of the murder in the newspaper, and soon after he got on his ship he made a statement to one of his shipmates. That statement apparently was reported to his commanding officer, and Putland was sent for and made his statement to the commanding officer, and he was sent back to Eastbourne where on 4th September he identified Field at the coffee-stall, and that is the day on which they were both taken into custody. He told you that as he went off in the train to rejoin his ship on Monday, 23rd August, having bought the newspaper, he saw the portrait of

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this girl in the paper and, as soon as he saw that, it attracted his attention and recalled to him everything that he had seen on the Wednesday and the Thursday previously.

Wells, his companion, speaks to the same effect. He says: one of the men was in a grey suit with a trilby hat and the other one was in a dark suit and a light cap, the shorter one was carrying a yellow stick with what looked like a dog's head on it. He is the one, you know, who noticed the stick and afterwards said he did not like the look of it. It may be he thought that if those people in front thought they were following them the man with the stick might turn round and say, "What are you following us for?" He says he noticed that the girl had nice teeth and very dark hair. This is not unimportant, that Wells had seen the shorter man in Eastbourne several times during the preceding fortnight—and he says that as they walked along he saw the girl offer sweets—or something out of a paper bag which looked like sweets—to the men. The importance of that is that when the deceased girl was found there was in her pocket that small paper bag such as sweets are put in. You must consider whether all this evidence that the prisoners were with some girl, although the identification may be unsatisfactory, all these witnesses who had not known her before identifying her by her portrait in the papers, or by the photographs which they were afterwards shown—you must look at all these small circumstances and say whether you can have any doubt that the girl who was with the prisoners on that afternoon was the deceased girl. Then they spoke of this kitten having been picked up, and Wells says that on the next day, Friday, he recognized the two men in Victoria Place talking to some girls as being the same men whom he had seen the day before. On Monday, the 23rd, he went to the police and made a statement to them. Putland, as you know, having gone away to his ship, Wells is left behind in Eastbourne, and he it was who went to the police on the Monday and made the statement to them. Again on the Tuesday, the 24th, he is on the Parade by the direction of the police, and he sees the two prisoners again talking to girls on the Parade, and he gave information to the police in consequence of which the two prisoners, as you know, were taken to the police station. When he is cross-examined, he says, "I think the girl was wearing a check skirt and a black blouse." You must consider whether a man of that class is a good judge or likely to give a good description of the skirt she was wearing. Then he said, "Her hat was turned up at the back and had a transparent brim similar to that produced." Learned counsel has commented upon the fact that he describes the hat as having a transparent brim. He says it was turned up at the back, and it might have been because it was turned

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up at the back that he saw the colour of her hair. Whether it had a transparent brim or not, if it was turned up at the back and he was following behind her, he would see the colour of her hair, and if he happened to see under the brim, it is for you to judge whether he might not have thought he saw through the brim and thought it was a transparent brim. It is such a small point that I do not stop to discuss it with you. Then, finally, in the evidence of this man Wells there comes this material fact that when he is cross-examined he says. "I noticed these people particularly because Putland told me that he had seen them the day before." That was a fact which could not have been elicited in examination-in-chief. What Putland said to him behind the prisoners' back would not have been evidence, but it became evidence because it was elicited in cross-examination when he was asked, "What reason had you for noticing these people particularly?" His answer was "Because Putland told me that he had seen those same people together the day before"

Then you come to the evidence of the railway-hut men, which I will go rapidly through. These men were sitting in this railway-hut. They had apparently knocked off work for the day and were waiting evidently for the engine to come and take them home. The first one says that he saw two men and a girl pass coming from the Eastbourne direction, walking in the 4-foot way; the shorter man had his arm linked in the girl's arm, and he describes him as being in blue—he thought he was in blue. There again do you think a navvy on the railway is a good judge of colour of a suit which some people would call grey and other people would call dark? He says, "I noticed the girl's features, eyes dark, upper teeth prominent, and dark hair; the man who was in grey came and put the kitten in the doorway," and he says, "I had not seen any other woman pass that afternoon." On the 21st, the Saturday, he identified the body at the mortuary. You will, of course, consider the observation which has been made about the difficulty of identifying the face after it had been so horribly mutilated. On the other hand you must not be misled, of course, by that photograph into supposing that what the man saw at the mortuary was exactly what you see in that photograph

The next witness, a railway-man, says the girl was dark, with dark hair and a black hat; the man who had his arm round the girl's waist had a stick; he was wearing dark clothes. He is more prudent; he does not commit himself to a colour. He said, "He was wearing dark clothes; they were going in the direction of the place where the body was found." The man who was called next says, "The young lady passed within a yard of me; she looked in at the window; one of the men had his left arm round her waist; he was dressed in dark blue; the other

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man was dressed in grey." He identified the body also at the mortuary, having seen the girl's face when she looked in at the window. The next one says, "The girl that passed was a dark girl, dark hair, and a black hat turned up at the back." The next one says, "The girl looked towards the hut; she was smiling; one man was dressed in grey, the other in dark or blue clothes."

That finishes the evidence of the witnesses who were called for the purpose of identifying the prisoners as having been out upon that afternoon with the deceased girl going in the direction of the place where the body was afterwards found. It is said that, having regard to the character of this girl, she is unlikely to have been in the company of such men as the prisoners. Now, you must bear in mind that when you see the prisoners here you do not see them at their best. You know by the evidence that they were men who were in the habit of spending their time on the Parade at Eastbourne, apparently fond of getting into conversation with girls, apparently, wherever they got it from, having sufficient money to be spending in the Albemarle Public House, to be going to the Hippodrome, and to be going to the picture shows, and one of them—Gray at all events—being a man whose appearance was noticed by the barmaid the moment he changed his clothes. She said: "How dirty you look, in comparison with how I usually see you." You must also remember, although the character that has been given to this girl may be a perfectly true one, that she was quiet and respectable, although she may have suffered misfortune, and that she was particular about her friends. She was the daughter of a woman who was in the humble position of housekeeper in a house in London. She was a girl earning her living as a typist at £2 7s. 6d. a week, and taking a holiday by herself at Eastbourne; and is it so unlikely that she might, for the sake of companionship, consent to allow two men like these to strike up an acquaintance with her? You know how these things are done, especially at the seaside where people are congregated together on the beach, on the Parade, and at the bandstand—how easily they get into conversation. Field, you may have observed, rather made a boast in the witness-box of his politeness to everybody, and was quite capable of making himself agreeable to a girl in this position, who was lonely. It is for you to judge whether there is anything unlikely in that, and it is for you to judge—especially in the face of this positive evidence which identifies the prisoners as being seen with some girl on that afternoon going to this spot, and the positive evidence which identifies the deceased girl as leaving her house and going to the very place where the prisoners were seen to meet a girl—whether that can leave you in any doubt that she was in fact in their company, and, having regard to the evidence of Putland,

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whether you can remain in any doubt that she had been in their company on the previous day, the Wednesday.

I have now only one thing which I think it necessary that I should call your attention to. Hitherto I have said not a word about the different statements made by the prisoners at different times relating to this matter. I take them separately. First of all with regard to Field. A witness named Grayling was called who tells you that he knew both the prisoners. He says that on 30th August he saw them at the Pier Hotel and Gray said they had been locked up in connexion with the murder. Field said, "We were down that way with a girl, but she has come forward to say we were with her," and that he had made that statement to the police, and Gray said, "I shall be getting into trouble with him," pointing to Field. This is upon 30th August, after they had arranged together to say they were with Maud Baxter on that afternoon. Field is saying to his friend Grayling, "We were down that way with a girl, but she has come forward to say we were with her." The next statement by Field which is material is this, that when they were taken to the police station on 24th August and the constable said, "I expect you wonder why I have brought you here," Field said, "We have been expecting this as we both have been wearing grey clothes." The witness was not cross-examined as to whether those were the words used by Field at all, but Field says, when he comes into the box, "I never said that. All I said was 'as we both have grey clothes.' " Why should they expect it because they both had grey clothes? Do you think that everybody in Eastbourne in August who had a suit of grey clothes in his bag or in his chest of drawers was afraid that he was going to be locked up for this murder?

The next witness who speaks to false statements is Inspector Mercer who took that statement from him at the police station after, as Field has told you, he and Gray had arranged together to say they were with Maud Baxter. I do not want to read it all to you again; I have no doubt it is within your recollection. Field admits when he is cross-examined that it is full of untruths. It begins with an untruth by saying that he sat on the sea front on Thursday morning, the 19th, until one o'clock—whereas he now admits that he was at the Albemarle between twelve and one. He says in his statement that he went home to his address at Susans Road for dinner. He admits that that is an untruth, because he says now that he went to a restaurant called Booth's Restaurant for dinner. In the statement he says they met Miss Baxter who was staying at Ravenhurst, St. John's Road, Eastbourne, when they were at Pevensey Castle and all three of them walked home together and that they went into an Italian ice-cream shop. I do not trouble about what he said with reference to their movements in the evening, because there is no real dispute as to where

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they were in the evening. He concludes his statement by saying, "I was dressed in this coat, it is a dark grey double-breasted coat"—so he himself calls it a grey but a dark grey—"and I was wearing a pair of dark grey flannel trousers and a round straw hat with a black band. I was not carrying a stick. I did not cross the Crumbles at any time on Thursday or Friday. I did not have a cat in my possession either day." Field having made that statement to him, the inspector saw Miss Baxter and ascertained from her that this was all untrue about her having been with them at Pevensey, so he goes back to Field on the following day and tells him that he has seen Miss Baxter and that she says it is untrue, he produced the stick, and Field said, "I admit that is my stick, but I am sure I did not have it with me on Thursday. I must have been mistaken about the young woman, but I still swear I was at Pevensey on Thursday." What do you suppose that meant—"I must have been mistaken about the young woman"? It can only mean surely one thing—"I gave you the wrong name. When I gave you the name of Miss Baxter I was mistaken about the young woman we were with at Pevensey." That is still persisting apparently that there is some young woman that they were with at Pevensey, but he must have been mistaken about the name. Of course now in the witness-box he says it was no mistake at all but a deliberate lie which he invented in conjunction with Gray. Then, further, Field after he was arrested and taken to the station and told that he would be charged with the wilful murder of Miss Munro on 19th August was also told, "A sailor named Putland has identified you this afternoon as a man who was with her at three o'clock on the 19th," and he was cautioned, and Field then said, "Can I see the sailor?" The inspector said, "You will have the opportunity," and then Field said, "You have had my statement and you are no man not to believe it. I kept quiet before but I shan't this time. I told you the truth." He knew at the time he was saying that that he had not told the truth according to his evidence here. He knew that he had told a deliberate falsehood about Miss Baxter.

Finally, of course you will consider the evidence which Field himself has given in the witness-box, and his explanation, for what it is worth, of the reason why they invented this false story about Miss Baxter. I do not want to read it all through because no doubt you listened attentively to it yesterday, but he says that they never were with any girl at all on the Thursday afternoon, that they walked to Pevensey Bay and so on to the Castle and then returned, he and Gray alone; that they never saw the deceased and never spoke to her, and he says that on the Tuesday—having seen in the paper that the police were looking for men who wore grey clothes—he was afraid that they might be suspected and it

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was necessary for them to prepare an alibi for the Thursday afternoon. I have already pointed out to you why should it occur to them as necessary on that Tuesday, the 24th, that they must have an alibi for the afternoon? Nobody had said at that time that the murder had been committed in the afternoon. There was no evidence published or otherwise at that time that it had been committed in the afternoon. On the contrary, as I have called to your attention, the newspaper which was said to be in their possession on the Monday suggested that the crime had been committed at night—but they thought it was necessary that they should find some alibi for that Thursday afternoon, and so Field says, “I invented this story about Miss Baxter and Gray agreed to back me up in it.”

There is one other thing in Field's evidence that is material. He positively denies that Gray changed his clothes on that day. It is for you to judge whether you think he or the bairmaid is the more reliable on that subject. He admits that he heard Gray say when he was at the Inquest that he had changed his clothes. Notwithstanding that, Field persists on his oath in swearing that Gray never did change his clothes on that day. One other little small matter occurs in his evidence which is worthy of notice. Miss Baxter has sworn that they met her on the Thursday night, the 19th. She has detailed the conversation which they had with her on that Thursday night. Field swears that they never saw her or spoke to her till the Sunday. Again ask yourselves which do you believe? What possible motive can Maud Baxter have for saying that when she went to post a letter at the pillar-box on that Thursday night, these two men accosted her and that she met them again on the Sunday? What object can she have, unless it in fact took place? And you have this corroboration of Maud Baxter's evidence, that whereas Field swears in the witness-box that on that night of 19th August they never went in the direction of the road where Maud Baxter lives, Gray, in the statement which he made on that same 24th August, says that they did walk up that evening to the railway-station—which would be in that direction—and Maud Baxter swears that they gave her the names of Jack and Billy White. That is only important because it has been suggested that they were going about after the Thursday in their ordinary way, in their ordinary costumes, and not disguising or concealing themselves in any way. She says they gave the names of Jack and Billy White. Field's explanation of it you heard. If you think there is a word of truth in it, ask yourselves. He says the explanation is that they were passing a troupe or a number of coloured or black men in Eastbourne and that Gray said, “Thank God we are white”—that is, “Thank God that we are white men and not black men”—and that from that Miss Baxter may have thought that their names were White.

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You must judge of it. I express no opinion on any question of fact; every one is for you.

Now, gentlemen, may I pass from that to remind you of the different statements Gray has made? Miss Ducker swears that on that Thursday, the 19th, after they had been trying to get a drink for nothing, Gray said, "If you wait till the evening we shall have more money." I have already said that I do not attach much importance, and probably you will not attach much importance, to the amount of money which they were spending, but certainly if Gray said this it may have some significance, particularly if you are satisfied that they had been with this unhappy deceased girl on the previous day and had seen her carrying her handbag. I have already called your attention to the fact that Gray at the Inquest, when Miss Ducker was giving evidence about his clothes having been changed, said, "Can't a man change his clothes without asking permission of anybody? I have already said I did change my clothes." So there you have a positive admission by Gray that he did on that afternoon change his clothes. Why? It is not suggested that there would be necessarily any great amount of blood-stain upon any person who committed this crime because no artery was severed from which the blood would spurt, but there might have been some little blood from a person handling a body which had been so wounded, and a person scraping the shingle so as to bury the body might very likely get his clothes and his boots dirty, and that might be a sufficient reason for his changing his clothes. Again you must ask yourselves unless there was some good reason for Gray changing his clothes, why is it that Field persists in swearing on his oath that Gray never did change them?

Mercer, the inspector, proves that after he had seen Miss Baxter and ascertained that their story was not true, he spoke to Gray at the police station and said to him, "Miss Baxter has been seen and says she was not with you on Thursday and you will have to be detained," and Gray made no reply. He did not say, like Field, "I must have made a mistake about the woman." He made no reply at all. Then you have to consider Gray's statement which was taken down by the inspector. I need not go through it in detail, because it is to the same effect although it differs in some details from that of Field. The point of it is that he states, when he was at the police station on 24th August, that they had met this girl at Pevensey Castle on the 19th, and had come back with her. It is for you to judge whether that statement was not invented because they were afraid that somebody had seen them with some girl, and they thought it was necessary to give the name of some person who they anticipated would have left Eastbourne, because you observe they knew at the time

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when they made that statement that Maud Baxter was going to leave Eastbourne on the following Saturday, and so they may have thought it was safe to give her name because she would not be found, or might not be found, or at all events there might be some difficulty in finding her.

Finally, you have to consider the evidence of the two men who were called from Maidstone Gaol, who have given evidence of the statements Gray made to them in prison. Undoubtedly both of these witnesses are what are called "tainted" witnesses, that is to say they are men of bad character because they have been convicted of stealing—one of them only once, the other one having been convicted several times of stealing bicycles. But although they are tainted witnesses, and for that reason their evidence is to be looked at with suspicion, you must ask yourselves if you can conceive any motive for their coming here and telling a false story with regard to what took place between them and the prisoner Gray. In the case of a man who is an accomplice in a crime, it is necessary to be most careful in accepting his evidence because he has something to gain as a rule by giving evidence against his accomplice. But you must consider whether these men had anything to gain, either of them, and if those conversations did take place, what inference do you draw from them? Darrington, a man who had been convicted once only, tells you that Gray got into conversation with him when they were at exercise, and that Gray asked him first of all if he would say that he was at the circus with Gray on that afternoon—that is to say, he is trying to get Darrington to come and swear to another false alibi—a different one. On another occasion he is saying, "Failing your saying you were with me at the circus, will you say that you saw a sailor and a girl walking along the Seaside towards the Crumbles, and that you saw the sailor come back alone; and failing that will you say you saw a sailor and a girl struggling together on the Crumbles?" It is right to add that Gray thought it necessary, having made these overtures to Darrington, to say to him, "Mind you, I had nothing to do with the murder." The other man, Smith, proved various conversations, the most important of which perhaps is this—he was cleaning the passage outside Gray's cell, you remember. He says he could see Gray through the iron bars, and Gray said to him, "I am in for murder." Smith said to him, "You are unlucky." Gray then said, "But they cannot prove it. Though I was with the girl almost to the hour she died, that does not mean to say that I done it." He also on another occasion said to him, "The worst of it is my wife says I'm guilty." Smith said, "What makes her say that?" and Gray said, "I don't know." On another occasion Gray said to him, "What am I

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to say, guilty or not guilty?" and the witness Smith replied, "You know that best yourself; the jury will say whether you are guilty or not," and thereupon Gray made an uncomplimentary observation about the faculty or the capacity of a jury to decide such a question. On another occasion the witness Smith asked him how the murder was done, and Gray replied, "By dropping a stone on her." "How do you know that"—and Gray said, "I have seen the stone." Are those all inventions on the part of those men, Smith and Dairington? If so, what possible reasons can they have for inventing them?—Smith, a convict, a man who was sentenced before this crime is committed, who was in prison, who had no opportunity of seeing newspapers, *Daily Mirrors*, or photographs, or anything else—how could he have invented those conversations; and, finally, if they did not take place, what do you think is the explanation of the prisoner Gray remaining content in that dock and not going into the witness-box to give you his version of what did take place in prison, if anything? His learned counsel, Sir Edward Marshall Hall, has attempted some explanation or given you some reason why Gray has not been called as a witness. You must judge of that explanation. He says that Field has spoken for both and what is the use of calling Gray merely to repeat the same story? Do you think that is a sufficient reason if he knows nothing of these conversations which are alleged to have taken place in prison? Is there any reason or suggestion which has been made to account for Gray under a charge like the present sitting still in that dock and hiding behind the explanation which has been given by Field? You must consider that in conjunction with the other facts in the case.

Now, gentlemen, that concludes the observations which I have thought it right to make to you in this undoubtedly important case. Something has been said about the individual responsibility of each member of your body. While it is true that it is right and proper that each individual should exercise his own independent judgment on the evidence in this case and on the arguments which have been addressed to you, remember that the very essence of our system of trial by jury is that the verdict of the jury is supposed to represent the combined intelligence of twelve men of the world—the combined intelligence—and while it is the duty of each man, as I have said, to exercise his own judgment, that does not mean that it is not his duty to pay respect to and have regard to the opinions of his fellows. It is your duty now to take counsel with one another, and if the evidence brings home to your minds the conclusion that these men are guilty of this offence, it is your duty to say so without regard to any consequences, without regard to any consideration, except the desire

Field and Gray.

Mr Justice Avory

to perform the duty imposed upon you by your oath, which is to deliver a true verdict according to the evidence. Gentlemen, you will now retire and consider your verdict and tell me how you find.

[The jury retired at 2-4 p.m., and returned into Court at 3-7 p.m.]

THE CLERK OF ASSIZE—Gentlemen, are you agreed upon your verdict?

THE FOREMAN OF THE JURY—We are.

THE CLERK OF ASSIZE—Do you find the prisoner Jack Alfred Field guilty or not guilty?

THE FOREMAN OF THE JURY—Guilty.

THE CLERK OF ASSIZE—Do you find the prisoner William Thomas Gray guilty or not guilty?

THE FOREMAN OF THE JURY—Guilty.

THE CLERK OF ASSIZE—You say that both prisoners are guilty and that is the verdict of you all?

THE FOREMAN OF THE JURY—Yes. We ask that the prisoners should be recommended to mercy on the ground that the jury are of opinion that the murder was not premeditated.

THE CLERK OF ASSIZE—Jack Alfred Field and William Thomas Gray, you stand severally convicted of murder. Have you, or either of you, anything to say why sentence of death should not be pronounced upon you according to law?

[No response.]

Mr. JUSTICE AVORY—Jack Alfred Field and William Thomas Gray, you have been convicted of a foul and brutal murder. The defence which you concocted has been demonstrated to be untrue to the satisfaction of the jury. You must now prepare yourselves to undergo the penalty which the law enacts for such a crime as you have committed. The recommendation which the jury have added to their verdict will be forwarded to the proper quarter where it will receive due consideration.

My duty is now to pass upon you the sentence of the law. That sentence is that you be taken hence to a lawful prison and thence to a place of execution, and that you be there hanged by the neck until you be dead, and that your bodies be afterwards buried within the precincts of the prison wherein you shall have been last confined before your execution, and I direct that this sentence shall be carried out at Wandsworth Prison. And may the Lord have mercy upon your souls.

THE CHAPLAIN—Amen.

APPENDICES.

Appendices.

I.

LIST OF PROPERTY belonging to Irene Munro found at 393 Seaside, Eastbourne.

- 1 fibre portmanteau
- 2 common crêpe de chine dresses.
- 1 blue gaberdine costume.
- 1 dressing jacket.
- 4 common blouses.
- 1 cotton petticoat.
- 1 cotton chemise
- 1 pair cotton combinations.
- 1 camisole.
- 1 wool scarf.
- 1 nightdress case.
- 1 mirror.
- 1 bible.
- 8 cotton handkerchiefs.
- 1 common bead necklace.
- 3 common brooches.
- 3 reels of thread
- 1 thimble.
- 1 packet of needles.
- 1 nail file.
- 2 books (Gods of Mars, Warlord of Mars).
- 1 small handbag
- 1 Post Office Savings Bankbook in name of Irene Munro, showing that since January, 1917, deposits amounting to £13 19s. 0d had been made and that since the 29th March, 1919, no deposit had been made, and since the 26th April, 1919, there has only been a credit of 8d.
- 1 receipt for blouse, 10s. 6d.; 1 ditto hat, 17s 11d., and millinery, 2s. 6½d.;
1 for costume, £4 7s 6d., paid by instalments; 1 for mole dress, £3 3s.
- Some correspondence.

II.

LETTER FROM IRENE VIOLET MUNRO TO HER MOTHER.

393 Seaside, Eastbourne,
Thursday.

Dearest Mother,

I was pleased to get your letter and am very glad to hear it is so lovely up there. I am writing this on the beach. The weather is simply glorious though very windy in the morning and I feel very much better already.

Field and Gray.

I had a most awful job to get a room. They were full up everywhere and after trudging about all day was compelled to take a room at 30s. a week. Terrible price isn't it? but I couldn't get anything else. Even then they couldn't put me up for Monday night and I had to stay somewhere else and pay 2s 6d. It is of course a lovely room looking to the front with a piano. It is a pity in a way that you are not here as my room is large enough for two people

I went to Beachy Head on Tuesday evening and lost myself. I didn't get back until nearly eleven o'clock. Yesterday I went to Pevensey Bay—walked there and back.

I have two pounds fifteen left, have paid £1 deposit on my room so have still 10s to pay, also fare back to London, so that really I have only £1 10s left for to pay for my rent and board next week and the remainder of this week; so please do send me down as much as you can to reach me by Saturday as I shall only stay here for a week and shall try to get something cheaper for next week and I should not like it to come when I have gone. I get awfully hungry down here. I think it must be the sea air.

The name of this road is just "Seaside" isn't it funny? It is even such a long road and I am a threepenny ride from the station.

Goodbye for the present. Please give my love to Granny, Auntie, Jessie and everyone.

Your affectionate,

RENE

x x x x

III.

STATEMENT BY FIELD AFTER CONVICTION

ALL I KNOW OF THE MURDER OF IRENE MUNRO.

Tuesday, August 17th. Gray and I were out on the sea front all the morning. As we were on our way home to dinner Gray pointed out a girl, and as we passed her, Gray said, "Good morning," but she only smiled, and Gray then said to me, that he would walk and talk with her before the day was over. After dinner I met Gray and we were both going down to the Albemarle, but just before we reached there we saw the same girl that we had seen in the morning. Gray again spoke to her and this time she answered him. He then asked her where she was going, and she said she was out for a walk and invited us to accompany her, so we walked along the sea front and up on the hills as far as Beachy Head. We wandered about until it began to get dark and then we made our way slowly back to Eastbourne Station. There we made arrangements to meet on the next day at 2-30 p.m. at the Archery.

Wednesday, August 18th. We, Gray and I, spent the morning on the sea front. At 1 p.m. we went home to dinner, arranging to meet again at 2 p.m. After I had had my dinner, I met Gray and then we went to the Archery to keep our appointment. When we got there the girl was waiting for us. We then went to Pevensey Bay with the girl and I noticed that she seemed to resent my presence, and acted as if she wanted to get rid of me, but as Gray said nothing, I took no notice.

Appendices.

of her hints, and tried to make myself agreeable to her, and eventually succeeded. We then turned round and came back to Eastbourne again. We left the girl at the Archery about 6.30 p.m., at the same time making arrangements to meet again on the following day at the same place and at the same time, and then Gray and I went home. After tea we went to the Hippodrome until 9 p.m. and from there we went on to the sea front, and stayed until just after 10. Then we both went to our respective homes for the night.

Thursday, August 19th. First I went to the Labour Exchange and drew 29s. unemployed pay. From there I went to Gray's home. When he was dressed we went on to the sea front and remained there until 12 noon. Then we went to the Albemarle Hotel and stopped until about 1 p.m. Then Gray went home to dinner, and I went to a small restaurant and had my dinner. I then went round for Gray and from there we went back to the Albemarle, staying until 2.30 p.m. Then we walked to the Leaf Hall, got on a bus and proceeded to the Archery. At Firle Road my friend Blackmer jumped on to the bus. When we arrived at the Archery we got off and stood talking to Blackmer and then the girl came over and joined us. From there we went on to the Crumbles. As we were going along Gray kept giving me the hint to leave them, and as I was not anxious to sit about playing third fiddle to them, I waited until we had got past the railway hut and then I said to the girl, "Do you mind if I leave you two together as I feel I want a nice long walk." The girl seemed only too pleased to get rid of me, and almost said so. I then left them and walked off the Crumbles and then on to Pevensey Castle. On my way back I saw Gray coming towards me, and when I got up to him I asked him where the girl was. He told me he had had a row with her, and he left her, and she had gone home. Then we both walked to the Lodge Inn and got on a bus for the Leaf Hall, and as I went to pay the fares, he stopped and said he would pay. I asked him where he had got his money from and he said, "I have had it all the time." It seemed very strange to me, because he had let me pay for the drinks at the Albemarle and supply him with cigarettes before, and told me he had no money. After tea we met and went to the Albemarle until 7.10 p.m., and Gray was still paying for drinks and every time I asked him about his money he told me to shut up and mind my own business. From there we went to the Hippodrome and stayed until 9 p.m. Then we went back to the Albemarle until 10 p.m. and from there back to the Hippodrome again until 11 p.m. Then we parted and went to our homes.

Friday, August 20th. I called at Gray's home and then we went on to the sea front until 12 noon and then to the Albemarle. We left there about 1.30 p.m. and went to our dinners. In the afternoon we went to a picture palace, and in the evening we went to another picture palace, and then we both went to our houses.

Saturday, August 21st. I bought a newspaper and as I was going round for Gray I read in it that a woman's dead body had been found buried on the Crumbles. When I reached Gray's home I showed it to him and he seemed to get excited about it. I asked him what was wrong and then he told me that the girl had been with him on Thursday had upset him and he had lost his temper and struck her, and being frightened at what he had done, he lost his head and covered her over with beach. I told him it looked very serious, and asked him what he intended to do. Then he nearly went mad and started to rave and swear at me, and told me I ought not to have left them. Well, I calmed him down a bit, and then he started pleading to me, and begging me to keep it quiet. He said, "For God's sake keep it dark. Think of my wife. It will kill her if she finds out, and it might blow over." Well, I thought of

Field and Gray.

his wife and knowing what sort of girl she was, I promised to say nothing. Then he asked me to help him if anything happened, and I promised to do my best for him, and I told him that if he was arrested I would say he was with me at Pevensey. I did not realize that I would be arrested as well. Gray was all for getting out of Eastbourne and as I could not dissuade him, I agreed to go to Summerdown Camp with him to try and enlist, but the recruiting sergeant was not there, so we came back to Eastbourne. Then we went to the Albemarle during the dinner hour and on to the sea front all the afternoon and evening.

Sunday, August 22nd. Gray and I were on the sea front all day except during the dinner time. In the evening we were sitting on the front, near the Wish Tower, and a girl passed and Gray said, "Good evening," to her. She answered and then sat down at his side. Then we walked home with her, and Gray made arrangements to meet her the next day at 2.30 p.m. On Monday we met her and went up on the hills near the Golf Links. She told us she came from Colchester, and that her name was Maud Baxter. Then Gray started talking about the murder at Eastbourne, and said to her, "We have both got grey suits, and it's quite likely that they will arrest me, in fact, they might arrest Jack as well. What would you do if that happened?" She answered, "I would come and say I was with you on that day if you liked." Then Gray jumped at the opening he thought he saw, and said that if he was arrested he would say he was with her and she agreed. I tried to point out to him it would soon be found out easy enough, but he would not listen to me, so I had to agree with him. Well then, I left him with the girl and went to see a friend of mine at Summerdown Camp. We met her two or three times after that, and when we were arrested I had to say we were with this girl to try and save Gray. When we were released I told Gray to keep quiet if he wanted to save his skin, and promised that if anything else happened I would stand by him till it was all over. But now I think I am justified in breaking my promise to save my parents' reputation. What I have written is God's truth, and may His will be done.

(Sgd) JACK ALFRED FIELD

IV.

STATEMENT BY GRAY AFTER CONVICTION

After I was convicted while waiting for the train at Lewes Railway Station, Field says to me, "I am sorry, I did not speak the truth, when I went into the witness-box, if I had told you, you would have given me away, because I . . . telling a lot of lies. When you left me at 10.30 p.m. outside the Hippodrome I stopped there for another 15 minutes and I knew you would be home by then, while I was waiting outside the Hippodrome, there was a young lady came up and spoke to me and asked me the way to the Archery." Field said, "Straight down, have you lost your way?" he says, "If you have lost your way I will show you the way down." He then said he went down with her and on the journey he said something to her and she up with hand and slapped him on the face. Field lost his temper and he struck the young lady, this is what he told me.

When he struck her she was unconscious for 10 minutes and he said that if he left her where he hid her, she would have come round and reported him to the police and therefore he put the girl "right out." When he put her "right out" he said she would not be able to give him away. Field then told me he did not get home before 12 o'clock that night.

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He said if he had told me before he was convicted he knew I would give him away at the Assizes, therefore, he kept it back till he was convicted, which he was sorry he got me into such serious trouble for nothing, which I knew nothing about it. He had done all this when I was at my home. He said, "When I get back to the prison I will see the Governor and the Chief Warder and tell them that you are an innocent man. I am sorry to bring you into this. I have done it all on my own accord and nobody has seen me do it and therefore," he says, "I could not give my correct movements to Mr. Mercer (Scotland Yard) and therefore I made a false statement."

He then said, "I will do my best for you and will tell the Governor the truth when I get back to the prison and if the Governor can't get you out of this trouble I will write to *John Bull* and to Lord Forrester to get you out, because you are innocent and know nothing at all about it and I don't care what comes across me. It is only for your sake and your wife's sake I want to get you out of it, as I put you into it."

Before this affair (the murder) took place, Jack Goddard, a sailor, came up to me and told me to be careful or I would find myself in trouble with Field before I went far. This was said in the presence of Field

(Sgd) W. T. GRAY.

The above statement was made in my presence and that of the Chief Warder

(Sgd) N. R. HILTON, Deputy Governor 1/c.

(Sgd) H. J. SAUNDERS, Chief Warder.

29th December, 1920

V

PETITION BY FIELD

Sir,

I wish to petition for mercy, as I am innocent of the crime I am charged with. I have stated all that I know of the murder of Irene Munro, a copy of which I enclose herewith. I have a copy of the last statement made by W. T. Gray, which I have read and denigh. I am sorry I did not speak the truth when I was first arrested and charged, but I am only young and was entirely ignorant of the way of the law

(Sgd.) JACK ALFRED FIELD.

When I promised to help Gray and do my best for him, I also made him promise me that if anything went wrong and I got into trouble as well, that he would own up and tell the truth, which he agreed to do; this was on Saturday the 21st August.

(Sgd) J. A. FIELD.

VI.

PETITION FROM GRAY.

Sir,

I humbly beg to petition against the conviction passed at the Sussex Assize on 17.12.20, when I was sentenced to death, as I am not guilty of the murder of Irene Munro. The conversation I had with Field at Lewes Railway Station, after our trial, is true in every respect, as shown in my statement to the Governor of the Prison on 29th Decr., a copy of which is attached.

Field and Gray.

In addition I wish to state that on Thursday, 19th August, I was in Field's company from 10 a.m. until 2-30 p.m. only. At 3-15 p.m. I went to Eastbourne Swimming Baths alone, and stayed there until 4 p.m. and got home to my house at 4-50 p.m. and stayed at home until 6-30 p.m. or 6-40 p.m. when Field called for me. To prove that I was in the baths at the time stated, I confess having stolen from the clothes in another bather's box, a wallet which contained £8 10s. and other papers and also 8s in silver, from the pocket of a pair of white trousers. The papers and wallet I destroyed. The owner I believe came from Redhill, as railway tickets (4) were return halves from Eastbourne to Redhill. The police could probably confirm that this theft took place on the date and time stated.

(Sgd.) W. T. GRAY.

VII.

REX v. FIELD AND GRAY.

COURT OF CRIMINAL APPEAL.

(Before the LORD CHIEF JUSTICE (Lord Reading), Mr. JUSTICE BRAY, and Mr. JUSTICE ACTON)

Mr J. D. CASSELS appeared for Field; Sir EDWARD MARSHALL HALL, K.C., and Mr FLOWERS for Gray; and Sir C. F. GILL, K.C., and Mr WHITELEY for the Crown.

Mr CASSELS said that the case of Field came before the Court (1) on appeal by the man himself; (2) on an application by counsel on the appellant's behalf to call further evidence; and (3) on reference by the Home Secretary upon a petition presented by the appellant for mercy.

Sir E. MARSHALL HALL also made application that Gray should be allowed to go into the witness-box.

The LORD CHIEF JUSTICE pointed out that Gray was not called at the trial.

Sir C. F. GILL said the Crown was prepared to deal with the evidence, if it were given, and he raised no objection.

The LORD CHIEF JUSTICE intimated that before they came to any decision as to the other witnesses they would hear the evidence of the appellants themselves.

Mr CASSELS said that at the trial he had called Field, who denied that he had ever seen the woman or that he had been with any other girl on the afternoon of 19th August. The jury recommended the prisoners to mercy because the act was not premeditated.

The LORD CHIEF JUSTICE asked what the jury meant by that.

Mr. CASSELS said that he understood it meant that when the prisoners first met the girl they had no intention of murdering her.

Counsel went on to say that on 29th December Gray made his first statement in the case after the trial, and on 4th January Field made his

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statement. It was to support that statement that he desired to call Field before their lordships.

EVIDENCE FOR THE ACCUSED FIELD.

JACK ALFRED FIELD, examined by Mr CASSELS—You will please tell the Court what were your movements on Tuesday, 17th August?—On that day, when I came out the first thing in the morning, I met my friend Gray and I walked with him along the sea front. As we were coming back we saw a girl (Irene Munro) evidently looking for something Gray said, “Good morning,” but the girl did not answer. Later, Gray told me that he would speak to and walk with that girl before the day was out. After dinner we were walking towards the Albemarle Hotel when we met the same girl. Gray spoke to her again and she stopped and spoke to us. Gray asked her where she was going, and she said, “For a walk.” We all walked together on Beachy Head until it was nearly dark. At Eastbourne Railway Station we saw her on to a bus and made arrangements to meet her again on the Wednesday at the Archery Tavern. We were with her all the afternoon and the best part of the evening.

Will you come now to Wednesday, 18th August?—On that day I met Gray in the morning, and we went along the sea front. We arranged to meet again later, so as to keep the appointment with the girl at 2-30. We met and were at the Albemarle Hotel until 2-30 and then got on a bus and went to the Archery Tavern where we met the girl. From there we walked to Pevensey Bay, all three.

While you were in their company did you notice anything at all?—I noticed then that the girl seemed to resent my presence and seemed to want to be on her own with Gray. I tried to make myself agreeable to her, and succeeded just as we were going home. We left her between 6 and 6-30, and we made arrangements to meet her again at the Archery Tavern at 2-30 next day. Gray and I left her together.

What happened next day, 19th August?—On the Thursday morning I went to the Labour Exchange and drew 29s unemployment pay. Then I went to Gray's home and we walked together on the sea front. I paid for some coffee, and about twelve o'clock we reached the Albemarle Hotel. We stayed there until about 1-15, having drinks, for which I paid. Gray then went to his dinner and I went to Booth's Restaurant to get mine. Afterwards I went round to Gray's, and we both got on a bus to go to the Archery Tavern. I noticed on the bus one of the officials who had on a new uniform, and when we alighted I called his attention to the uniform and pointed out that he had not recognized me. Just then the girl came across and called out to me, “Hullo, Jack!” Gray, the girl, and I then walked towards the Crumbles and went on the railway line. We walked along the line straight towards the Crumbles. I was on the left hand side of the girl.

By the LORD CHIEF JUSTICE—Did you know the girl's name at that time?—No sir.

Examination continued by Mr. CASSELS—Did you remember passing the railway hut?—Yes; on the way we came across a kitten, which I picked up and the girl stroked it. As we passed the railway hut I threw the kitten in and said, “There is a kitten for you.” Gray and the girl were walking in front of me, either arm-in-arm or with their arms round each other's waist. After they had passed the hut, Gray hinted that he wanted me to leave, and I asked the girl whether she minded if I left, as I wanted a sharp walk. The girl said that she did not mind at all, and I went.

Field and Gray.

I walked along the railway lines as far as the gates of Pevensey Castle and came back by the road alone. I then saw Gray coming towards me, and I asked him where the girl was. He said that he had had a row with her and she had gone home.

Whereabouts was it that you met Gray?—A little way towards Pevensey Bay—towards the cottage on the road, which I think is called the Aylesbury Dairy. Gray was walking in the road. We went together as far as the Lodge Inn and there got a motor bus, which brought us to Eastbourne. Gray paid the fares, and I asked him where he got the money, because I had previously paid the fares and had stood drinks. Gray replied that he had had money all the time and had let me pay because he had not enough to keep on paying. Later, I went home. In the evening we went together to the Albemarle Hotel between 6.30 and seven o'clock. While we were there we saw the two barmaids. They had drinks, for which Gray paid. When he kept on paying for drinks I again asked him where he had got the money, and he said, "Shut up, and mind your own business. I'm paying for the drinks, and that is all that concerns you." We went to the first show at the Hippodrome, went to the Albemarle, and then returned to the Hippodrome. We did not meet Maud Baxter that evening. Gray was in my company the whole time. It was 10.50 when I separated from Gray at the Hippodrome and I reached home at eleven o'clock. I did not go out again. My mother, sister, and brother were at home. Mother had just got back from London. I slept with my brother, and did not leave my bed at all that night. I rose on Friday about 7.30, and on that day I went with Gray to the Albemarle and two picture houses. On Saturday, 21st August, I went out in the morning about nine o'clock and saw on the newspaper bills, "Dead body found on the Crumbles. Foul play suspected." I bought a paper and read the account. I then went to Gray's home and showed him the newspaper, and as he could not read I read to him what was said. Gray got very excited, and started swearing at me. He told me that he had been with the girl; that the girl had been with him on the Thursday evening, and had said something to him which he did not like, and he had kicked her. He said that he had then got frightened at what he had done, and as the girl was lying on the beach he put the shingle over her. Gray also said that if I had not left them on the Thursday it would never have happened. Then he asked me to keep quiet and say nothing about it. He said, "For God's sake don't say anything about it; think of my wife. It will kill her if she finds out." He added, "It may blow over."

Did you make any promise to him?—Well, he pleaded with me about his wife, and I knew her family well. I promised him that I would do my best for him, and that if he were arrested I would say he was at Pevensey with me.

Did you discuss anything with Gray that morning?—Gray wanted to get out of Eastbourne as soon as he could, and he said that he was going to join the Army. I told him that that would be no good, because the police would trace him wherever he was. I tried to join up with him, but when we went to the Camp to enlist the recruiting sergeant was not in. When I promised to stand by Gray he promised me that if anything went wrong, and I was brought into the trouble as well and both were convicted, he would own up and tell the truth so as to clear me. On Sunday, 22nd August, Gray and I were out together.

By the LORD CHIEF JUSTICE—On the Saturday after this conversation, did you spend the rest of the day with Gray?—Yes.

Afternoon and evening?—Yes.

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Examination continued by Mr CASSELS—On the Sunday did you spend any time with Gray?—Yes, all day.

Did you notice anything at all about Gray that Sunday?—Only that he was always very agitated, and when anyone passed and looked at us he said, “There is someone looking at you” An ordinary workman was looking at us when Gray got up and said, “What are you looking at me for?” and the man replied, “Does the Parade belong to you? I can look at anyone I like” In the afternoon we met Miss Baxter. We went to where she lived, and arranged to meet her next day. We went with her over the golf links, and were all talking about the murder. We asked her how long she was staying in Eastbourne, and she replied that she was going on the Saturday. She said she did not like Eastbourne as a murder had been committed, and she might be murdered as well. Gray said, “Well, they are looking for two men in grey suits I have got a grey suit as well as Jack, and they might arrest Jack and me as well. What would you do if I were arrested?” Miss Baxter said that she would go to the police and say we were with her at Pevensey that afternoon. Gray jumped at the idea, and said, “Well, if I am arrested I will say I was with you” I said that that would be no good; it would be found out sooner or later. Gray said that if he were arrested he would say that he was with Miss Baxter all that afternoon. I left Gray and Miss Baxter on the hills.

The witness added that the statement that Gray was with him at Pevensey on 19th August was not true. He said that because he told Gray that if he were arrested he would stand by him.

Was the evidence you gave at the Assizes true?—Untrue, sir.

After you were sentenced to death you were taken to Lewes Railway Station?—Yes.

Was Gray with you?—He was with other warders.

Were you taken to the stationmaster's room?—Yes

And did you have any conversation with Gray there?—Gray said that he would like a cigarette if he could get one. One of the warders asked the Governor of Portsmouth Prison whether he would be allowed to smoke, and we were given cigarettes. I said to Gray, “Isn't it a treat to get a cigarette?” and he agreed. That was all that passed.

Have you had any other conversation with Gray since that moment?—No.

The witness said that he had made his statement now before the Court on 4th January. He had stood by Gray till the end, and then he came to the conclusion that he did not want his parents' reputation to suffer and he thought the time had arrived when he should say what actually happened. He headed the statement, “All I know of the murder of Irene Munro.” That was true.

Cross-examined by Sir EDWARD MARSHALL HALL—The original statement produced is in my handwriting. No one suggested to me what I should put down and the warders were in the room when I wrote it.

Gray, on Saturday, 21st August, told you that he had killed Irene Munro?—Not killed; he said that he had hit her and covered her over with the beach.

Did you understand that he had killed her?—I did not understand at the time whether he had killed her or the beach had killed her.

At that time you knew the dead body of a girl had been found on the Crumbles?—Yes; and I had no doubt that the body was that of the girl I had been with on the Thursday, because Gray told me so.

Field and Gray.

Although Gray had confessed what he did, you promised to stand by him till the end for the sake of his wife?—Yes.

But there was an arrangement by Gray that if you were dragged into it and convicted, he would say what was true?—Yes

That was very present to your mind. You relied upon that promise?—Yes, I would not have said what I did without the promise.

Did you set great store by that promise of Gray's?—Yes.

Why did not you put it into the statement of 4th January?—I did not think about it.

It was not until 12th January that you put it in your petition to the Home Secretary?—Yes.

Your evidence now admits the truth of practically the whole of the evidence called by the prosecution with regard to your identity?—Yes.

But you did not meet Maud Baxter on the Thursday?—No

Is it true, as the evidence was given at the trial, that when Irene Munro met you at the Archery Tavern she called out, "Hullo, Jack"?—Yes.

On 23rd December you sent in your notice of appeal and wrote it yourself?—Yes

When did you change your mind?—After I had seen a Wesleyan minister and my father

Cross-examined by Sir C. F. GILL—It may have been stated at the trial that when Gray and I were walking with Irene Munro towards the Crumbles it was I who was holding the girl's arm. Gray was wearing a blue serge suit, and not a grey suit. Gray had a blue serge suit on in the afternoon, and a grey suit in the evening.

Having got on to the Crumbles you passed the hut?—That is right.

Did four of the witnesses who saw you pass say that the shorter man was linked with the girl, and that he had his arm round the girl's waist?—I heard it

And that it was the man Gray who put the kitten inside the hut?—I put it inside the hut, and I have not possessed a blue serge suit in my life. I did not strike the girl because she resented my trying to take liberties with her. I deny that altogether.

What was she taken there for?—We were there for a walk.

Why was she taken there?—She wanted to go there herself. Gray told me that he had hit the girl almost immediately after I left them.

You did not understand that Gray had buried her alive?—That was what I understood at the time.

By the LORD CHIEF JUSTICE—That she was buried alive?—That was what I understood.

Cross-examination continued by Sir C F GILL—When you went away, did you say where you were going?—Yes, I told Gray that I was going to Pevensey. I did not hear Gray say, "We shall have more money to-night." Gray apparently had no money when he went on the Crumbles, but he had some when he came off.

You think now that he must have robbed the woman he had buried?—I think so.

Why should you protect a man who had murdered a girl in these circumstances?—He was a friend of mine, and I also thought of his wife.

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Why should you both try to enlist?—I knew that they would not take me.

By the LORD CHIEF JUSTICE—Why not?—Is it necessary that I should answer that?

Yes?—Well, I am discharged, and my papers give the reason.

Cross-examination continued by Sir C. F. GILL—Why should Gray be arrested and not you?—I knew that I was innocent.

It was on that Saturday morning that the false alibi was arranged that you were at Pevensey when the girl was being buried in the shingle?—Yes My early statement that Gray and I were with Miss Baxter on the afternoon of the murder is untrue

You were present at the Coroner's inquest and were invited to question the witnesses and make a statement. Why did not you call upon Gray to clear you then? There was a verdict of "Wilful murder" against you and Gray?—I was told by my solicitor that the Coroner's inquest did not matter.

And at the trial you gave false evidence When the verdict was given, why did you not speak then?—Because we were recommended to mercy and I was not going to give Gray away then because I relied upon the recommendation.

Instead of sending in your appeal, which disclosed no grounds in substance, why did you not on 23rd December make a true statement?—I thought the appeal would go through and that we should get off.

By the LORD CHIEF JUSTICE—It was not till the Saturday morning that Gray said that he had hit the girl?—Yes, he said that he had struck her with his fist and knocked her unconscious and then he had buried her.

You understood that he might have buried her alive?—Yes, that was what I understood.

Yet you continued to be on very intimate terms with him?—Not on very intimate terms

You were always together?—His wife asked me to keep with him as he had no other friends

Although you thought that he had buried alive the girl whom he had struck, you remained with him the whole of the time?—I promised that I would do my best for him.

If you had been sent to penal servitude, you would have said nothing about it?—Yes, I was willing to go to prison so that Gray might return to his wife when his term had expired

How long has he been married?—Three years

Are you related to his wife?—No sir

WILLIAM THOMAS GRAY, examined by Sir EDWARD MARSHALL HALL—What time on 19th August did you first see Field?—Ten o'clock in the morning.

Up to what time were you in his company?—Up till 12.30.

What happened then?—We went to the Albemarle.

After that, where did you go?—To my house.

Where did you have your mid-day meal?—At home Field called for me at two o'clock. We went to the Albemarle together and stayed there until 2.30. Then Field suggested that we should go to Pevensey Castle.

What did you do?—I walked down to the Fountain and he asked me to go to Pevensey with him. I said that I had no money and he said

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that he would pay the omnibus fare I did not like to go with him as I had no money I left Field at 2-30 and reached home about 2-45 I did not see Field again until 5-40, when Field called at my house and I was with him until 10-30. We then went to the Hippodrome together I heard Field's evidence of what took place on Saturday, 21st August

Is it true that you confessed to him that you had struck this girl and had buried her?—It is untrue.

Were you ever with this girl on the Thursday afternoon at all?—No

Do you know anything about the death of this girl?—I do not know After I was convicted the Deputy-Governor wrote down what I said in the presence of the Chief Warder. I can neither read nor write After sentence I was taken to the cells and then to the railway station at Lewes While waiting in the stationmaster's room there Field said that he would like a cigarette, and two packets were handed to us Field then said to me, "I am sorry I did not speak the truth when I was in the witness-box at Lewes Assizes, because I went into the box and was telling lies from the time I went in till the time I came out I am sorry I did not speak the truth, because when you left me at 10-30 at the Hippodrome the young lady came and asked me the way down to the Artillery. I said, 'Straight down that road' I asked her, 'Have you lost yourself?' and I had the pleasure of walking down to the seaside with her. We were talking, and as we went down I said something to her, and she smacked me in the face. I looked round, and not seeing anyone I struck her She was unconscious for ten minutes I walked away, and then thought that she might come round and give me away to the police. Thereupon I went back and gave her another hit, after which she was not able to recover."

By the LORD CHIEF JUSTICE—You mean that he said that he killed her?—It prevented her coming round

Was any expression used about his putting her right out?—That was what he said.

Examination continued by Sir EDWARD MARSHALL HALL—Did he say why he put her right out?—Because she had smacked him in the face

By the LORD CHIEF JUSTICE—What else did he say?—He said that he saw nobody round there when he did it It was late in the evening and nobody saw him He said, "I did not get home before twelve o'clock that night," and added, "You know nothing about it You were at your own home when I did it" Later, Field said, "Leave everything to me, and I will do my best for you I will tell the Governor that you are innocent of this crime, if only for your wife's, your mother's and your sake" He also said that if the Governor and Chief Warder could not get me out he would write to *John Bull*, and tell them I was an innocent man, and was not concerned in the murder and had nothing to do with it

By the LORD CHIEF JUSTICE—When Field said what he did the Chief Warder was sitting there, but did not hear the conversation

Examination continued by Sir EDWARD MARSHALL HALL—Was the conversation continuous or in bits?—In bits. It was while we were waiting for the train—between 4-45 and 6-11. In my notice of appeal I said nothing of the conversation, but on 29th December I made the statement which was written down.

Cross-examined by Mr CASSELS—Before 17th December Field had never promised to say anything on my behalf

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Why did you not tell the police you were at home on the afternoon of 19th August?—Because Field said that we were at Pevensey.

Why did not you say, "I was at home"?—Because I committed a burglary at one place and that was why I kept quiet. The police knew about it.

By the LORD CHIEF JUSTICE—You did not tell the police you were not at Pevensey because you had been somewhere else that afternoon committing a burglary?—Yes, that was why I was afraid to speak the truth. I had been to the Eastbourne Swimming Baths alone on the afternoon of 19th August and had stayed there from 3-15 till 4. While I was there I stole a wallet containing £8 10s. in notes and 8s. in silver from a pair of white trousers in another bather's box.

That is what you mean by burglary?—Yes

Cross-examination continued by Mr. CASSELS—Do you know that that incident occurred on 14th August?—That was the second one.

Do you mean that on two occasions—on 14th August and 19th—you went to the baths and stole from a suit of clothes?—Yes, and it was on 19th August.

On 19th August it was a wallet, a letter, and £3 10s. Was there a railway ticket?—That was on 14th August.

By the LORD CHIEF JUSTICE—You were the person who committed both these thefts?—Yes.

Cross-examination continued by Mr. CASSELS—Were you alone on both occasions?—Yes

Had Field been to the baths with you?—Yes, several times.

Was not Field with you on 14th August?—No. He is a better swimmer, and I have only half a leg.

Do you wish the Court to understand that you passed through the whole of this case, and said no word at all because you did not wish the police to know that you had stolen £3 on the Thursday afternoon from the baths?—Yes, sir.

Until you wrote that in your petition to the Home Secretary did you mention your visit to the baths at all?—Only to the Chief Warder and the Governor. I was with Field on Thursday after dinner at the Albemarle. I deny that I was at the Archery Tavern in the afternoon. I never walked with Field towards the Crumbles. All the witnesses who said that they had seen me walking towards the Crumbles are wrong. I was wearing a navy blue suit and a brown round cap.

Did you pay for drinks on the night of 19th August?—I did.

Did you get the money from the baths or from the purse?—From the swimming baths.

When you got to Wandsworth Prison, you had passed through this trial and had been sentenced to death. Why did you in your notice of appeal still give the same statement that you had given to the police if the truth was that you were not with Field that afternoon at all?—I did not think about it. I could not think of everything at once.

When do you suggest that Field could have committed this murder?—I should think it was done after I left him on Thursday night, according to the way he spoke.

If this murder was committed at night, there was no need for you to keep anything from the police?—No, sir.

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Have you told the truth about the afternoon of 19th August? Can you say what you did?—I went straight home at 2.30.

Cross-examined by Sir C. F. GILL—I went to the Eastbourne Baths at 3.15 and was there until four o'clock I then went home.

ROBERT WILLIAM O'CALLAGHAN, examined by Mr. CASSELS—I am a warder at Wandsworth Prison I was one of the warders in charge of the prisoners at Lewes Assizes. After the sentence the two prisoners were taken separately to Lewes Railway Station. I was in charge of Field, whom I took to the stationmaster's room to wait for the train Gray had gone on in front in charge of another warder. There was no conversation between the two prisoners while they were in that room. There were present in the room the two prisoners, myself, and three other officers There was no conversation of any sort between the two prisoners. There was some sort of stand between the two chairs on which Field and Gray sat They sat fairly close together, and I sat by the side of Field, and if any conversation had taken place between them, I would have heard it I came up in the train with Field.

HENRY JACKSON said that he was in charge of Gray on the same occasion. There was no conversation between the two prisoners in the stationmaster's room.

ARTHUR SARGANT corroborated this evidence He said that Gray asked for a cigarette He (the witness) replied that he would consult the Governor. The Governor sent them cigarettes "to console them."

SAMUEL PERCY JOHNSON corroborated the last three witnesses.

HERBERT FIELD, examined by Mr. CASSELS—I am twenty-four years of age In August of last year I was living at Susans Road, Eastbourne. I am in employment at Eastbourne. My brother was out of employment. My father is employed in London, but my mother lives at Eastbourne. I remember my mother going to London last August She returned on 19th August. I slept at home that night. I got home at eleven o'clock. My brother Jack was then at home having his supper My brother did not go out again that night. My brother and I went to bed about 11.30 to 11.45. My brother did not get up at all during the night.

Mrs. EMILY FIELD, examined by Mr. CASSELS—I went to London last August. I returned to Eastbourne on Thursday, 19th August, having been away since the previous Saturday I returned about seven o'clock in the evening. My son Jack was then out. He returned shortly before eleven o'clock My two sons slept in the kitchen I left them there about 11.30. I heard no one go out of the house during the night.

JAMES WOOLGAR, examined by Sir C. F. GILL—I am an attendant at Devonshire Park Baths, Eastbourne. I know both prisoners. On 14th August a man named Saunders and his son were at the baths about 12.15. Both prisoners were at the baths that day. About 12.30 or 12.45 a complaint was made that a wallet had been stolen, and the police were communicated with. On Tuesday, the 17th, both prisoners came to the baths at 10.30 a.m. I communicated with the police and kept the two men under observation. That was the last time they were at the baths. Gray was not there on the afternoon of the 19th. There was no complaint of any loss on that day.

Mr. CASSELS then addressed the Court on behalf of Field.

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SECOND DAY—Tuesday, 18th January, 1921

Sir EDWARD MARSHALL HALL addressed the Court on behalf of Gray.

JUDGMENT

The LORD CHIEF JUSTICE—The appellants, Field and Gray, were convicted before Mr Justice Avory of the wilful murder of Irene Munro, and were sentenced to death. Their application comes before this Court for leave to appeal against the conviction. Following the practice of this Court, we treat this application as an appeal. In addition, the Home Secretary has, by virtue of the power conferred upon him and upon this Court by section 19 (1a) of the Criminal Appeal Acts, referred the whole case to this Court, and by virtue of the statute “the case shall then be heard and determined by the Court of Criminal Appeal as in the case of a person convicted.” The importance of that reference is that it is made to us after a statement presented to the Home Secretary after a conviction.

That Irene Munro was murdered on 19th August at the Crumbles is beyond dispute; her body was found buried under the shingle at the Crumbles. A charge was made against Field and Gray. Field was called as a witness at the trial; Gray was not. The defence of both men at the trial was that neither had been present at the Crumbles on this occasion, and that neither had been walking with the girl in that direction on that afternoon. Upon that, direction was given by the learned judge. We do not propose to examine the evidence in detail which was given of the identity of the two men which formed the subject of much discussion in the Court below, and, at first, of the appeals to this Court. It is obvious after the statements which have now been made, that all the arguments which were then used by the defence against the identification at various stages must fall to the ground. That there was ample evidence is beyond question. If the jury accepted that evidence, the two men were seen with Irene Munro walking in the direction of the Crumbles and the two men were seen together after Irene Munro was last seen alive.

For Gray the argument has been that the learned judge did not give a full and complete direction to the jury. In our view, the directions on the law and the summing up of the facts by Mr. Justice Avory were beyond the possibility of complaint or grievance.

But that does not dispose of the case. When this case came before us yesterday morning, there were certainly very extraordinary features which led the Court, in its desire to investigate the facts, to allow the very unusual course to be taken of calling both the prisoners before us. The case made on the new evidence was that Field was absent from the Crumbles although he had started out with Gray and Irene Munro, but that before they arrived at the Crumbles he had left them; that both of them appeared to want him to leave them; that both Gray and the girl wished to be alone; and that he left them and went out for a walk by himself; that on the return he met Gray, and that as Gray joined him he told Field that he had had a quarrel with the girl, who had gone home. The importance of that evidence, if believed, is this: that if it is true, if it commends itself to our judgment and we accept it, Field never was present when the murder was committed, and if that is true, Field is entitled to be acquitted. The question which we have to determine, both in Field's case and in Gray's case is whether we are satisfied that the testimony given is true, either of the one or of the other.

To summarize the case made by Gray. According to his evidence he never was present; he had nothing whatever to do with the murder; he did not start out for the walk; he was not with the girl when the incidents

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took place in the afternoon, but was at the swimming baths during the material time, and that as he was there he had nothing to do with the murder. If we accept that statement, he is entitled to be acquitted of the crime of wilful murder.

To deal with Field's case first. It is to be borne in mind that the story now told by him was told, not fully, but nearly so, for the first time on 4th January. He had given a statement on 24th August to the police. The statement which was then made was with reference to Maud Baxter. I do not proceed to examine it, because, admittedly, it was a concoction made between him and Gray, and it may be dismissed as being wholly untrue.

At the trial he told another story on oath in the witness-box, and it was accepted by Gray's counsel and led to Sir Edward Marshall Hall's dispensing with the evidence of Gray. There the story was different. Maud Baxter was not with them at all that afternoon. They had been for a walk and no girl had been with them during that afternoon. It is now admitted—and admitted from the statement of both prisoners—that that story was untrue. The statements were wilful falsehoods obviously concocted and relied upon by both, for the purpose of meeting the difficulty that the Maud Baxter story could never hold water if and when it was examined.

That is the history of the case, with this further addition: on 17th December they were both convicted. On the following day, but apparently sent in on 23rd or 24th December, notice of appeal was given by both appellants. In those notices of appeal the statements were repeated and objection was made to the evidence of identification, all based upon the same story, and relying upon the same defence set up at the trial. That was the state of things after conviction and sentence of death. On 29th December Gray tells the story which, put quite briefly, amounts to an admission by Field—if we accept the evidence—made at Lewes Railway Station, when they were being removed after conviction and sentence, that he, Field, had committed the murder.

Gray's story is that that happened on 17th December. The first we hear of this is in the statement of 29th December. Then on 4th January came the statement by Field, and it is to be observed that when he made his statement on 4th January he did not know that Gray had made a statement to the police in which he threw the whole blame upon Field. If we now accept Field's story, then Gray admitted that he had committed the murder, and his statement exculpates and proves the innocence of Field. If we accept Gray's statement, it means that Field admitted that he had committed the murder, and his statement exculpates and proves the innocence of Gray.

If we accept the statements of neither as true, and if we come to the conclusion that neither of them has changed the evidence given and the results that follow on the evidence, we must dismiss the appeals.

Then Field's explanation is that at last he could stand it no longer; that he had been allowing himself to be used to shield Gray, and that he had done it, not for love of Gray, but because he had given a promise to Gray's wife that he would keep with him, with the notion that there was something of the nature of a trust reposed in him by Gray's wife to protect Gray. It appears that this promise was given, according to Field, almost at the outset of his acquaintance with Gray and his wife. It was not the result of long acquaintance; it only existed between one month, according to Gray, and six months, according to Field. It was a promise given by Field personally at a conversation which could have had no importance, because it was given in the presence of Gray. Whatever discussion took place in

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his respect was in the presence of Gray, and it amounted to this—that he would keep with Gray and go about with him Field has told us that he was prepared to go to penal servitude, if he was reprieved, and that he never would have said a word about it—that Gray was the guilty person—but that he had in the end determined to tell the truth, not to save his own life, but because he was exhorted to that course by a Wesleyan minister, who tried to get him to take the proper course of telling the truth and of doing what he could to save his soul Field's explanation is that it was because of that that he made this statement on 4th January, 1921 We should have been glad if we could have accepted that view, and we should have been satisfied if he had repented, and was trying to make his peace with the Almighty. But we cannot think that is the true view We come to the conclusion that the story told by Field—told on 4th January and sworn to in the witness-box—is not true, and was put forward to save himself—a last desperate effort made by him to convince the Court of something that is not true The whole history of the case points to it being untrue Considering the whole of the circumstances, we have come to the conclusion that the statement made by Field cannot be accepted.

The statement which Gray made in the witness-box has not, in our opinion, even the semblance of plausibility It was a story which he told for the first time after the history to which we have referred, in which, according to him, all the witnesses for the prosecution were utterly wrong and the identification of him quite mistaken. It is quite impossible to reconcile it with the evidence given at the trial Moreover, Gray's statement, made on 29th December, which, if accepted, exculpates him, receives the addition by the statement made by him in his petition to the Home Secretary for mercy. That is, that he was not present at the murder, and to prove it he said that he would make a statement which involved him in the confession of a crime, though not the crime of murder. In order to prove that on that afternoon he was not at the Crumbles with Irene Munro, he said that he was at the baths, and there stole a wallet containing £8 10s, 8s in silver, and some tickets He said that the police would confirm that there was this theft, if inquiry was made Before Gray went into the witness-box he knew, from the inquiries that had been made, that, although it was true that this theft had been committed at the baths, it was not on Thursday, 19th August, but on the preceding Saturday, 14th August. What Gray had apparently omitted to observe was that the dates did not tally, and that this confession of crime did not excuse him and prove that he was not present at the Crumbles on 19th August

We have to bear in mind also that we have the evidence of four prison warders, whose testimony satisfied us that no such conversation took place at Lewes Railway Station, as was deposited to by Gray. We have, therefore, to reject the story of Gray, as we have rejected the story of Field, coming to the conclusion in regard to Gray, that it is an invention in a last desperate attempt to escape the consequences of his crime.

Next, as to the question put to us by the Home Secretary. Having regard to the new evidence, and considering that new evidence in conjunction with the evidence given at the trial, are we satisfied that these convictions should stand? The answer which we give is in the affirmative, and in this case, not only are we satisfied that there is no justification proved in law for disturbing the verdict, but we are also of opinion that the convictions were right and just, and ought to be confirmed In these days, when there has been, no doubt, some criticisms directed to the action of the police and the responsible authorities in detecting crime and bringing the criminals to justice, it is very satisfactory to find that, in this very difficult

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case, the authorities did prosecute the men, one of whom, admittedly, on the evidence of both, is guilty, on the facts, of the commission of this crime. The appeal of both must be dismissed, and the answer to the Home Secretary's reference to us is that we think the convictions ought to stand.

VIII

THE EASTBOURNE GAZETTE.

(See pp. 223, 260 and 261.)

The special edition of the *Gazette* which was published on the evening of Monday, 23rd August, consists of four pages, of which number almost two are devoted to the crime. No indication is given on page 1 as to what time might be presumed to elapse between the murder and the discovery, but on page 2 it is stated in a prominent place and in heavy type that "She was murdered that night (Thursday night) and her body was discovered the following afternoon." In a less conspicuous place—at the end of the part of the paper dealing with the crime—the following passage occurs:—

"Although Miss Munro and her two male companions went on to the Crumbles in the afternoon, it is unlikely that the crime was committed until night. The spot where the victim was buried is within view of the Martello Towers along the coast, one of which is occupied, the isolation hospital near the sea-shore and some buildings near the Langney corner, and a shorter distance away was the hut into which one of the men threw the sandy kitten. Any screams given by the girl would without doubt have been heard by the workmen if the murder had been committed in the afternoon. It has also been said that the three were seen on the Crumbles about eight o'clock in the evening. The terrible crime was in all probability committed under the cover of darkness, when the Crumbles would be a Jerry, deserted waste of beach."

It seems that this is the passage noticed both by counsel for Gray and by the presiding judge as "coming very near to contempt of court, if not actually passing over the dividing line."

This is a reproduction of Plan No 2 (Exhibit No 25), referred to by the witness Fowler on pages 76 and 78. It is half the size of the original. This is the plan which was referred to throughout the Trial. The scale is correct for this reproduction the original was on the scale of 6 ins to the mile.

